

DELEGATED DECISION REPORT

SMD/2021/0471
Valid 26/08/2021

MEADOWSTILE FARM
TOWER HILL ROAD
BROWN LEES

PROPOSED CHANGE OF USE
FROM C3B DWELLING TO C2
RESIDENTIAL CARE

(FULL - MINOR)

MAIN ISSUES

Impact on the character and appearance of the area, highway safety and the residential amenity of the area.

DESCRIPTION OF SITE

Meadowstile Farm is accessed of the south western side off Tower Hill Road, along a driveway. The site lies just outside the settlement boundary in the green belt located around Biddulph, north Staffordshire Moorlands.

There are residential properties along the opposite side of Tower Hill Road, with a bungalow to the north and barn conversions to the west. The site is within walking distances of basic retail and primary health care services, other facilities include a post office/shops, library and other amenities.

There are good public transport links, and the home has a company car to enable young people to engage in a wide range of health, education, recreation and leisure opportunities both locally and regionally.

The site comprises of a detached two storey farmhouse set back from the road with access to parking at the front of the building, with a front garden and a paddock and long driveway.

On the ground floor there is a lounge, second lounge space, large kitchen/dining room for cooking and baking activities, office and toilet. One room with an en-suite is also located downstairs.

On the first floor there is a main bathroom and 3 bedrooms one of which is for carers to sleep in.

PROPOSAL

The planning application seeks to change of the use of the four bedroomed residential dwelling (C3b) to a children's home for three children (C2). No external or internal alterations are proposed.

It is said that the existing dwellinghouse is currently used to provide care for up to two children with three staff plus a manager. The applicant's consultant appears to present that as being provided for by Class C3 of the Use Class Order (six people living together where care is provided). However, that may not necessarily be the case, where the residents would be children, the matter is complicated because the courts

have found that children, as a group of residents, with rotating non- resident staff, are not able to form a 'household', a necessity of being included within the C3 use class.

However, that matter aside, the applicant now seeks planning permission for a material change of use so that the property can be used with planning permission as a children's care home. It is said that they wish to increase the number of children to three with a total of 10 care staff rotating on a shift basis. That is considered to present a tipping point that would be material and take the use into a different use class.

The age of the child who would be provided care in the home would be between 8-18 years old, with two sleep-in carers supporting the children at any one time. A manager will be on the site during office hours Monday-Friday; whilst communication between the manager and staff teams is also achieved through the use of Microsoft Teams and other remote communication technologies.

The overall number of staff would increase to 10 operating a 24 - 48 hours shift rota, plus the Manager. Two of the staff would sleep in overnight.

Esland Group operate care homes for children throughout the Midlands and wider UK and wish to increase the number of children being cared for at the property from 2 with three staff plus a manager, of which one of the members of staff would sleep at the home overnight to 3 children with a total of 10 staff plus a Manager who would be on-site during office hours.

Meadowstile Farm is a registered children's home under Section 60 of the Children Act 1998 to provide specialist residential care for up to 2 young people, of either gender, usually between 8 and 18 years old (8-17 years on admission). Young people are usually placed on a 52- week care basis but in some cases 39- week placements may be considered if appropriate. Emergency and same day referrals may be considered subject to a satisfactory risk assessment: all decisions are based on individual needs and take into consideration the needs of the other young people living in the home, and they are accompanied at all times by at least one of our carers.

The use was registered with OFSTED on 30th May 2006 and has been operating from the site ever since that date (copy of certificate attached). Esland is a leading UK provider of residential childcare, education and therapeutic services for children who have experienced trauma and significant unrest in their lives. Esland provides a place of safety and stability which the child can utilise to build meaningful connections and positive relationships. With a bespoke "child-centred" approach, Esland shapes its services around the needs of each individual, enabling the child to progress into a positive and stable future. These difficulties may be:

Sexual abuse

Moderate learning difficulties (Asperger's Autism)

Mental health (self-harm, anxiety, depression, post-traumatic stress, oppositional disorder)

Physical regression

At risk of being criminalised

Running away

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan Development Plan Document (Adopted 2020)

S01 Spatial Objectives
SS1 Development Principles
SS10 Other Rural Area
DC1 Design Considerations
SD4 Pollution
T1 Development and Sustainable Transport

National Planning Policy Framework

Paragraph 92 of the National Planning Policy Framework states that planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other, and should enable and support healthy lifestyles, especially where it would address identified local health and well-being needs. Paragraph 93 adds that to provide the services that the community needs, planning decisions should take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 22/10/2021
Neighbour consultation period ends: 22/10/2021
Press Advert: N/A

Public Comments

None

Town / Parish Comments

Biddulph Town Council: Awaited

Environmental Health

No objection, conditions suggested. The proposal to change the use from C3 to C2 for the proposed use does not appear significant but the range of residential uses can be different. In the case of this application for development of the home for one extra young child the risks to neighbour amenity are low. But if future occupancy of the home was for people with more high intensive clinical needs then noise breakout could be a risk. It would be recommended that noise breakout is considered during the development phase in order to future proof the site and ensure good neighbour relations. Noise transfer from room to room should also be given consideration in order to maintain good amenity for other occupiers of the home.

Please note - The granting of planning permission does not in any way indemnify

against statutory nuisance action being taken should substantiated complaints within the remit of part III of the Environmental Protection Act 1990 be received.

Staffordshire County Council Highways

No Objection. Meadowstile Farm already appears to be a registered children's home for up to 2 children. This application is to add one more child. Meadowstile Farm is an existing 4 bedroomed dwelling. It would be entirely possible and reasonable for three children to be living a 4 bedroomed dwelling as part of a family group.

No alterations or extensions are proposed to Meadowstile Farm. It could equally be used by a family under its current planning use.

The dwelling and its access off Tower Hill Road are existing. Trip generation profile may be different for a care home when compared to a dwelling, with adults/staff visiting the home rather than leaving it. However, that does not equate to an increase in trips that could be considered severe. Children/young persons would need to be transported whether part of a family or residents of a care home. Visitors are likely, as they would be for a family home.

Regardless of the trip profile, the effect of use of an existing dwelling as a residential care home for one additional child (over existing permitted) could not be described as having a severe effect on the highway.

It is situated in an existing residential area. Current records show that there were no Personal Injury Collisions on Tower Hill Road within 50m either side of the property access in the previous five years.

Staffordshire Police

It is noted that although this is technically a change of use from dwelling to children's care home, the property has to all intents and purposes operated as such since 2006 caring for 2 children. The change of use would result in an increase in the number of children being cared for to 3. The views of the Neighbourhood Policing Team (NPT) have been sought who are in a position to advise whether and to what extent the existing facility presents any policing issues, and what effect an increase in number of children might bring.

A Police Community Support Officer within the NPT who has been the police point of contact for the home for the last 12 months has provided some useful observations. During that time he have only ever been required to speak with the residents when staff have thought a talk from a uniform would help and this has been in relation to internal matters dealt with by staff and not reported to police. There have been a few incidents of missing children reports, but nowhere near as prevalent as most other homes. It is considered that staff only ring the police when it is absolutely necessary and appropriate, and that having visited many times, managers run the home with a great deal of consideration for the local community and how their presence does and could affect them. As far as the officer is aware, the neighbouring farm which shares a boundary fence with the home has never had cause to ring the police with a problem involving the home.

Consequently, in the light of the seemingly well run nature of the existing home and minimal number of incidents that arise there, Staffordshire Police have no objection to the change of use proposals.

OFFICER COMMENTS

Introduction

As an existing dwellinghouse, the scope of the relevant use class (Class C3) and the changes that are permitted are quite broad. Obviously, the large 4 bed property could be used by a family of unrestricted number, but also it could be used, without planning permission, by up to six unrelated adults that receive care and live together as a household; or, with a change of use that is permitted by the General Permitted Development Order, as a house in multiple occupation by six unrelated individuals (Class C4). However, where the residents would be children, the matter is complicated because the courts have found that children, as a group of residents, with rotating non-resident staff, are not able to form a 'household', a necessity of being included within the C3 use class. An appreciation for that context, perhaps provides a useful baseline and starting point when it comes to considering the potential impact of a development such as the one proposed. Indeed, sometimes the authority is asked, by application, to consider whether similar changes of use are material and require planning permission at all. Such a question is a matter of fact and degree to be addressed on a case by case basis, there are examples across the country where decision makers have found that children's care home proposals would result in material change and where they have found that they would not.

In this case however, the applicant does not argue that the change would be lawful and not material, they concede that there would be development, and instead, for the avoidance of doubt, seeks an express planning permission.

Impact on the Green Belt and Spatial Strategy Approach

The property is within the Green Belt where development is inappropriate and, by definition, harmful unless it is provided for by one of the exceptions in the closed lists at paras 149 and 150 of the NPPF. Two of those exceptions at para 150 include the reuse of a building or a material change of use of land providing they preserve openness and do not conflict with the purposes of including land in the green belt. The proposed use of a large farm dwellinghouse where there would otherwise be parking and activity associated with a residential household and a farm enterprise, would not have any additional impacts on openness or introduce new conflict with Green Belt purposes. The development would not be inappropriate or harmful to the Green Belt.

In the 'other rural area' local plan strategy SS10 applies. SS10 and H1 supports the rural diversification and sustainability of the rural areas allowing the conversion or replacement of an existing rural building. The proposed development would provide policy support here and there is further benefit because the site adjoins the edge of a town settlement with some relationship with the facilities and services offered within that settlement.

Impact on the character and appearance of the area

The application does not propose any external alterations and the dwelling would not be enlarged. There are no proposals to alter or improve an existing area of driveway hard surface. There would be no changes to the size or appearance of the property.

Impact on Highway Safety

The existing dwelling has an area of hard surface providing ample parking at the end of a long private farm drive that has access to the highway. Meadowstile Farm has already in some form been operating as a registered children's home without incident or issue. The proposal should not introduce any significant intensification to the use of the highway or the access over and above the lawful use. The dwelling and its access off Tower Hill Road are existing. Trip generation profile may be different for a care home when compared to a dwelling, with adults/staff visiting the home rather than leaving it. However, that does not equate to an increase in trips that could be considered severe. Children/young persons would need to be transported whether part of a family or residents of a care home. Visitors are likely, as they would be for a family home.

Regardless of the trip profile, the effect of use of an existing dwelling as a residential care home for one additional child (over existing permitted) could not be described as having a severe effect on the highway. It is situated in an existing residential area. Current records show that there were no Personal Injury Collisions on Tower Hill Road within 50m either side of the property access in the previous five years.

The highway authority confirm they have no objection to the development. Overall, the development should not be the cause of any discernible impact on the road network or safety of the highway, beyond that which is posed by any other vehicle that must negotiate the highway to access and service the existing dwellings within this established residential area. There would be no conflict with policies DC1 or T1 in these regards.

Impact on Residential Amenity

There has not been any public objection to or comment on the proposal. The applicant does explain that typically the children could have a range of challenging behaviours for a variety of reasons depending on background and circumstance. The ratio of residents (just 3) to staff (total of 10) can only result in good management, supervision and support to limit any disruptive conduct and the way that might have on neighbouring residents.

The property has large, relatively secluded, grounds that provide parking and garden surrounding a farm dwelling. The property is at the end of a track at a limb from the settlement edge. The boundary enclosures consist of high hedges, close boarded fence and trees that separate the property from the farm buildings and the converted residential barn behind.

The NPPF states "Planning policies and decisions should ensure that developments create places that are safe ... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.....Designing out crime and designing in community safety should be central to the planning and delivery of new development". The best available evidence to assist with the consideration of this matter, is provided in the comments from the Police Crime Prevention Officer and the Council's Environmental Health Officer.

The Staffordshire Police Neighbourhood Policing Team note that a Police Community Support Officer within the NPT who has been the police point of contact for the home for the last 12 months has provided some useful observations. During that time he

have only ever been required to speak with the residents when staff have thought a talk from a uniform person would help and this has been in relation to internal matters dealt with by staff and not reported to police. There have been a few incidents of missing children reports, but nowhere near as prevalent as most other homes. It is considered that staff only ring the police when it is absolutely necessary and appropriate, and that having visited many times, managers run the home with a great deal of consideration for the local community and how their presence does and could affect them. As far as the officer is aware, the neighbouring farm which shares a boundary fence with the home has never had cause to ring the police with a problem involving the home.

The environmental health team do not object and note that in the case of this application for development of the home for one extra young child the risks to neighbour amenity are low. But if future occupancy of the home was for people with more high intensive clinical needs then noise breakout could be a risk, the use could be limited to specific purposes within the use class.

The comings and goings associated with the premises will not be dissimilar to those associated with a dwellinghouse, and the use of the premises for such purposes should not materially detract from the amenity of neighbouring residential occupiers to any unreasonable degree. The proposed development is therefore consistent with the requirements of policy DC1 of the Local Plan in this regard. The proposed change of use is not deemed to be development that would 'result in noise pollution' relevant to Policy SD4 of the Local Plan.

Planning Balance & Conclusions

The change of use would result in only limited changes to the character of the land use and would bring some community benefit by providing facility and support for some of the area's most vulnerable residents. There would be no adverse impacts to the character and appearance of the area, highway safety or the amenity of residents. There would be no conflict with the Local Plan.

OFFICER RECOMMENDATION :

APPROVE

Case Officer: Ben Hurst

Recommendation Date: 22/10/2021

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council

