
From: planningcomments@staffs Moorlands.gov.uk
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To: Planning Comments (SMDC)
Subject: Comment Received from Public Access

Categories:

Application Reference No. : SMD/2021/0649 Site Address: Oak Lodge Sandy Lane Brown Edge Staffordshire ST6 8QJ
Stoke-On-Trent Comments by: Mark Wright
From:

Sandy Lane
Brown Edge
Stoke on Trent
Staffordshire

Phone:

Email:

Submission: Objection

Comments: Following my original objection and subsequent responses from the planning department with questions relating to the matter of change of use from a C3 dwelling house to C2 residential children's home we are advised that the only point for consideration is if there is a material change with regard to the property for its intended use.

We are advised that the existing and proposed uses considered are within different use classes. Given there are no permitted development rights to move between the two classes, then planning permission is required to change the use.

It is obvious this is a business as the 'business' is continually referred to by the applicant on a number of occasions when advertising for the roles of manager and assistant manager with their duties including to seek out new properties to expand with other houses in the local area. Therefore, the emphasis is simply on the business and its advancement, growth and profit. Not unusual for a business, but we are arguing material change and the change of use would be to a profit making, business premises.

Therefore, on balance, the conclusion is that the property would be used as a business for the provision of accommodation for children in need of care, and the proposed use would be a material change of use for which specific grant of planning permission would be required and in fact it would not be legal to pass the Certificate of Lawfulness at this stage

At this point we would also draw attention to one of the number of restrictive covenants which apply to both Oak Lodge and the adjacent Chapel House which we feel are applicable to the proposed intended use.

ii) The Purchasers hereby covenant that neither they nor their successors in title will do or allow to be done on the property hereby conveyed anything that would cause nuisance to the adjoining or adjacent land belonging to the Board and in particular will not permit the property hereby conveyed to be used for the purposes of Sunday trading or as a Boxing Funfair or anything of a similar nature.

Given this proposed use is likely to cause disturbance or nuisance this covenant would be breached and hence enforceable by direct neighbours

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