

Planning Application 19/0874/CLPU

| Code No. and Date Received | Name and Address of Applicant | Description and Location of Proposed Development |
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| 19/0874/CLPU 30.10.2019 | Mason And Young Property Investment Ltd C/O Miss L Hughson-Smith 19 Starling Walk Penallta Hengoed CF82 6BH | Obtain a Lawful Development Certificate for proposed use of property as a children's home for a maximum of 3 No. children Nyth Y Nant 1 Cwm-nant-yr-odyn Springfield Pontllanfraith Blackwood NP12 2DU |

APPLICATION TYPE: Certificate Lawful Proposed Use/Dev

SITE AND DEVELOPMENT

Location: The site lays to the east of an established residential development outside of the settlement boundary adjacent the main highway of the A472.

Site description: The dwelling forms part of a small development comprised of detached dwellings. Vehicle access is gained from Woodland Road and leads to a hardstanding area situated to the front elevation of the property. A culvert is located on the south west boundary; it is noted that this flows across the hard surfaced driveway down to the adjacent highway. The main dwelling is sited along the south eastern boundary with an outbuilding located to the north of the site. There is no grassed private amenity space associated with the property. The hardstanding to the front elevation serves the dwelling as the parking area and amenity space. The dwelling is situated on higher ground due to the site levels inclining from north to south.

The internal layout of the dwelling comprises living room, dining room, kitchen/breakfast room, utility room and cloaks on the ground floor and five bedrooms, two with en-suite and a bathroom on the first floor.

Development: Proposed use of property as a children's home for a maximum of 3no. children.

Dimensions: n/a.

Materials: n/a.

Ancillary development, e.g. parking: None.

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PLANNING HISTORY 2010 TO PRESENT

10/0366/FULL-Erect first floor dressing room extension over existing utility room-
Granted-20.07.2010.

POLICY

NATIONAL POLICY: Town and Country Planning Act 1990 Section 192.

CONSULTATION

Social Services - Supporting People Manager - Comments summarised below –

- Frequency of staff meetings and onsite training?
- Location of Children Looked After reviews?
- Is there a company car?
- Will there be home tutoring?
- It should also be noted that other queries were raised from the Social Services team however these related to specific aspects outside of the planning system.

ADVERTISEMENT: n/a.

ANALYSIS

Analysis of GPDO or evidence: The application is in respect of a certificate for the proposed use of an existing dwelling for a children's home for a maximum of 3 no.children. The agent has confirmed the ages of the children to be 10-16 years old.

The submitted supporting statement sets out that the previous use of the site was a C3 dwellinghouse as defined by the Use Classes Order 1987. The Council has no evidence to the contrary.

The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land into various categories known as 'Use Classes'. In this respect a children's care home may be considered to fall within 'Use Class C2 - Residential Institutions'. Use Class C3 - Dwellinghouses is formed of three parts including Use Class C3(b) which allows up to 6 people living together as a single household and receiving care.

The plans and additional information submitted with the application detail that no alterations are proposed to the exterior of the building. Therefore, the proposal does not consist of building operations due to no building, engineering or other operation in, on, over or under land is taking place.

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Therefore, the assessment to be carried out is whether the proposed use of the existing C3 dwelling as a children's home would be considered as a material change of use, thereby development under Section 55 of the Town and Country Planning Act 1990 requiring planning permission.

Within the supporting documentation, it states that the maximum number of carers is 3 no, however on the day-to-day basis 2 no. carers would be on site full time. It was further clarified that the third worker would be daytime staff that would be present on site as and when necessary. The supporting documentation goes further in confirming that there would not be a company vehicle.

Due to the circumstances that the child has experienced which have led to the need for accommodation, the Local Authority would be involved with the welfare of the child. This requires regular meetings to be held at the home or at another venue. It is stated that some meetings would occur at a maximum of once per month, some every 6 weeks, and others at 6 month intervals. The number of vehicles regularly parking at the site would be 3 to serve the needs of the staff. As stated within the supporting statement, there would be a 15 minute overlap between shift changes to facilitate the handover between the shift leaders only. The vehicle movements at the site, taking into account occasional external visitors and staff movements, it is considered that this would not function materially different to that associated with a C3 dwellinghouse.

As such, it is considered that the child would not be deprived of their liberty thereby not constituting as a secure unit. The floorplan indicates that there is a study area to the first floor. It was confirmed by the agent this room is to be used as an office area for staff which would contain a locked cabinet containing case files and a locked medicine cupboard. The use of this room as an office, whether locked or freely open, is not uncharacteristic of a C3 dwellinghouse.

The supporting statement set out that the bedrooms would all feature locks and carers would be allocated keys to these rooms. Further correspondence confirmed that the children would also have a key to their own room in order for them to come and go as they please. As such, it is considered that the child would not be deprived of their liberty thereby not constituting as a secure unit. While it is acknowledged that having locks on bedroom doors is not common place within a C3 dwellinghouse, more so with a House of Multiple Occupancy or Secure Unit etc., due to the child allocated to the room being able to enter and leave at their own will, it is considered this is not a material alteration to the C3 use of the building as a dwellinghouse.

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It has been confirmed that the children using the service would not have mental health issues, drug or alcohol dependency, special needs, physical disabilities, have a serious illness, or have committed an offence pending further criminal investigation. Therefore, the children would not be in need of specialist support with regard to these factors that would require additional services to be present onsite and as such the proposed use would not fall within Use Class C2 - Residential Institution.

Upon further detailed assessment of the day-to-day routines, needs of the children using the service, the use of communal facilities and the ability of the children to move freely about the site, it is considered that based on the information provided, the proposed activities would not be materially different to that associated with a C3 dwellinghouse. As such, the proposed change of use is lawful as no material change constituting as development under Section 55 of the Town and Country Planning Act 1990 has occurred.

Reasons to approve/refuse:

1. The proposed use would not be development within the meaning of development as described by Section 55 of the Town and Country Planning Act 1990 (as amended).

RECOMMENDATION that Permission be GRANTED

Advisory Note(s)

