

21 May 2024

Supporting Statement

Proposed Lawful Development

(Residential Dwelling Class C3(a), to a Residential Institution Class C2)

7 Woodhill Vale, Bury

BL8 1AH



1.0

Introduction

7 Woodhill Vale is a detached 3-bedroom residential property located within a residential area in the Tottington ward of Bury, Lancashire, England. It's situated to the northeast of Bury town centre and is part of the larger Bury metropolitan area. As with much of Bury, Woodhill Vale is likely characterised by its suburban setting with a mix of housing types, including detached, semi-detached, and terraced houses. The application site does not lie within the Green Belt, is not listed, does not lie within a Conservation Area, and does not have an Article 4 direction imposed upon it.

This application is for a Certificate of Lawful Use for occupation by no more than 2 children (up to the age of 18) supported by no more than 4 members of staff at any given time.

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2.0

Proposal

The application seeks to change the use of the building to a children's home, and the use would provide accommodation for up to two children. This is a change of use from Residential property (Use Class C3(a)) to a residential institution (Use Class C2 - use for the provision of residential accommodation and care to people in need of care) with no material changes proposed. Over the duration of the stay, children will be supported by staff members.

This is consistent with the North Devon decisions (North Devon DC v FFS and Southern Childcare Ltd (2002) and North Devon DC v First Secretary of State (2004).

The issue at hand therefore is whether the proposal would be likely to result in a material change of use whereby there is some significant difference in character from what has gone on previously at this property.

4.1

Principle

The main issue at hand is whether the proposal would be likely to result in a material change of use whereby there is some significant difference in character from what has gone on previously at this property.

4.2

Analysis

Paragraph 130 of the National Planning Policy Framework advises that planning decisions should result in places with a high standard of amenity for existing and future users.

Given the proposals relate to a change of use class of the building only, the considerations in respect of amenity relate to the impact of the development on privacy, where rooms would become 'habitable' and through noise and disturbance by virtue of the amounts and comings and goings which would be associated with the proposed use.

In assessing this application, the proposed use presents similar characteristics to a C3 Use Class in that one bedroom would be permanently occupied as the sole residence of an individual, albeit on a short term basis.

In respect of the noise and disturbance generated, whilst the proposals would likely result in a fewer number of occupants than the lawful use, and the intensification of use at the site can be considered to be equal to, or less.

Furthermore, the proposed use would be residential, and is not considered to be of such intensity that it would unduly threaten the amenity of surrounding occupiers by way of noise and disturbance.

In light of the above, it is considered that the proposals would not unduly impact the amenity of surrounding occupiers and the proposals would accord with the requirements of the National Planning Policy Framework.

The existing property is a three bedroom family house such that it could accommodate a family with numerous cars, particularly if the family had older children who could drive and had cars of their own.

Design and Access Statement: Conversion at Midgley Road, Mytholmroyd

Class F or Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) will be utilised, whilst the property is a dwellinghouse, to ensure that there is adequate off-road parking for staff and visitors. The vehicular movements to and from the property for shopping, school, social and recreational events will be no different for this children's home than when compared to a conventional, family.

The physical changes to the property represent security changes that any conventional family could introduce, such that from the outside the property would not have the appearance of an institution but instead, a normal family home.

The relationship between the staff and the children will be different to a parent/child relationship, nevertheless the adults would cook, clean, transport the children around and care for them, such that the difference would not be suitably noticeable or material in a planning use sense.

5.0

Conclusion

it is considered that the proposal would not result in a material change of use. Taking into account the setting and the type of care to be provided at this location, it is considered that the proposed change of use from C3 to C2 would be lawful, as it would not constitute a material change of use.

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