The Planning Inspectorate

Appeal Decision

Site visit made on 11 May 2011

by Peter Willows BA DipUED MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 June 2011

Appeal Ref: APP/H1033/A/11/2146395
The Coach House, Millbrook House Estate, Manchester Road, Tintwistle, Derbyshire SK14 8LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr James Wardle against the decision of High Peak Borough Council.
- The application Ref HPK/2010/0534, dated 12 October 2010, was refused by notice dated 21 December 2010.
- The development proposed is the change of use of The Coach House to a residential care home for young adults with learning difficulties (Use Class C3 to C2).

Application for Costs

1. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Decision

2. I allow the appeal, and grant planning permission for the change of use of The Coach House to a residential care home for young adults with learning difficulties (Use Class C3 to C2) at The Coach House, Millbrook House Estate, Manchester Road, Tintwistle, Derbyshire SK14 8LA in accordance with the terms of the application, Ref HPK/2010/0534, dated 12 October 2010, subject to the following conditions:

    1) The development hereby permitted shall begin not later than three years from the date of this decision.

    2) The courtyard that abuts the south-eastern and south-western elevations of the building shall be retained for parking and manoeuvring vehicles only, and shall not be used for playing or for any other purpose at any time.

Preliminary Matters

3. The site lies within an area of Green Belt. However, the Council raises no objection to the proposal on this basis. Having regard to the advice within Paragraph 3.8 of Planning Policy Guidance Note 2 *Green Belts* (PPG2), I am satisfied that the proposal does not amount to inappropriate development within the Green Belt.

4. The Council advises that the building lies within the curtilage of Millbrook House, a Grade II listed building. Since no alterations are proposed, the

Council considers that the special interest of the listed building would not be affected by the scheme, a view I share.

Main Issue

5. The main issue is the effect of the change of use on living conditions at 'The Old Bakery'.

Reasons

6. The Coach House is currently a dwelling. Attached to it is The Old Bakery, also now a dwelling. Access to The Coach House is via a driveway which runs past the front of The Old Bakery. The front of that property is extensively glazed, allowing some views from the driveway into the rooms. The proximity of the driveway to the dwelling also means that its occupants will be aware of noise from cars and pedestrians using the driveway. I can therefore appreciate why the occupants of The Old Bakery and the Council are keen to prevent any significant increase in the use of the driveway.

7. However, I have little evidence to indicate that any such increase is likely to arise from the appeal proposal.

8. The Council refers to the appeal property as having 5 bedrooms, whereas the appellant states that it is an 8 bed house. Whichever of these is correct, it is clearly a large property, with many rooms capable of being used as bedrooms, and both parties state that it is likely to accommodate a family of up to 6 people. This is the same as the maximum number of residents the proposed home would accommodate. Accordingly, if it were to continue to be used as a dwelling, the appeal property would still have the potential to generate a significant number of vehicle and pedestrian movements.

9. Some support for this conclusion is provided by the appellant's 'illustrative traffic forecasts', which suggest that the proposed use would generate fewer traffic movements than use as an 8 bedroom dwelling. These are estimates, and are not based on any recognised research data. However, the appellant advises that they were prepared with the assistance of an experienced manager of Children's homes, and the Council, while reaching a different overall view, has not challenged any specific aspect of them. Accordingly, I attach some weight to those estimates.

10. Additionally, the Highway Authority advised in its consultation response that the proposal would be unlikely to result in a significant increase in vehicle movements to and from the site, although there is no explanation as to how that conclusion was reached.

11. I have noted also the transport statement carried out for the appellant. This suggests that, compared with the use of the property as a dwelling, the appeal proposal would lead to a significant reduction in car movements but a marked increase in pedestrian movements. However, considerable manipulation of the available data was necessary to allow for the specific nature of the existing and proposed uses in this case. This limits the extent to which I rely upon that information and I give the study little weight.

12. The Council points out that support staff and services would be required to enable the care home to operate. However, while this is undoubtedly true, there is no attempt to quantify the traffic this would generate or to consider in any detail the overall traffic movements that would arise from the use

proposed. The Council does not provide any evidence to show that there would be an increase in pedestrian movements, considering it likely that residents of the home would be heavily reliant on vehicles.

13. Taken overall, there is no clear evidence to show that the proposal would result in any increase in either vehicular or pedestrian traffic to and from the appeal property. Indeed, the balance of the limited evidence I have suggests that there would be no such increase. Although the nature of the use will change from being wholly residential to having a commercial aspect, that is no reason to resist the proposal in the absence of any clear evidence of harm. I conclude, therefore, that the proposal would not materially harm living conditions at The Old Bakery. Accordingly, I find no conflict with the amenity aims of policy GD5 of the adopted High Peak Local Plan.

14. Other matters raised include the adequacy of the car parking provision proposed. However, I have no evidence to show that the proposal would lead to an increase in the need for car parking at the site, and the Highway Authority raises no objection to the proposal on that basis. I regard the question of rights of access to the site as a civil matter and, as such, it is not central to my consideration of the planning merits of the proposal.

15. For the reasons set out above I conclude that the appeal should be allowed. I have restricted use of the courtyard serving the building to use for car parking only, to ensure that adequate car parking is retained and to protect the living conditions of the neighbouring residents.

Peter Willows

INSPECTOR