

13th April 2023

REF: ESLA1014

Planning Department
High Peak Borough Council
Buxton Town Hall
Market Place
Buxton
SK17 6EL

Dear Sirs,

re: Application for a Lawful Development Certificate for an Existing Use as a children's care home within Use Class C2 – The Old School House, Taxal View, Fernilee, Whaley Bridge, High Peak, Buxton, SK23 7HD

We act on behalf of Esland Care and have been instructed to submit an application for a Lawful Development Certificate for the above site.

The Certificate is sought to confirm the use of the property as a children's care home within Use Class C2, on the basis that the use began more than 10 years before the date of this application, and continues in this use.

The application is submitted via the planning portal under reference PP-12086947 and comprises the following.

- Application form and Certificate of Ownership;
- Site Location Plan – ESLA1014-DMW-SLP-001-A; and
- Ofsted reports from 01.02.12 to 13.04.22.

The fee of £462.00 has been paid via the Planning Portal.

Site and Surroundings

The Old School House is located in the Peak District and outside the village of Shallcross, in a rural location along with other dwellings, camping sites and other commercial uses. The Old School House is a residential care home, with an external appearance no different to the surrounding properties.

Esland aspire to change children's lives for the better by providing unconditional care. They provide trauma informed and therapeutic support for young people through commitment, understanding, progression and trust. At The Old School, a bespoke care service is offered for young people who are in a struggling environment, with a clinical assessment team available to support their progression.

The home offers a number of activities to enhance their experience, from local walks to more specialised activities. Education is also provided for regardless of their status.

The care team have experience across a variety of areas to provide care in the best and most appropriate way. This has resulted in positive outcomes, including progressing through academic life and earning qualifications.

Planning History

The planning history associated with The Old School House does indicate an authorising permission. The associated developments are as follows:

- HPK/0002/6664: Change of use and minor extension to form dwelling. Granted 14th July 1988.
- HPK/0002/7671: Conv of school to dwelling. Conv and roofing over of toilet block to form double garage. Small extension to schoolhouse. Granted 4th April 1989.
- HPK/0003/4979: Change of use from single dwellinghouse to residential institution (C2). Granted 19th December 1995 (no documents available online).
- HPK/2010/0219: Two storey rear extension and lean to. Granted 29th June 2010.

Legislative context

A children's care home falls within Use Class C2, where the use is materially different to C3, as in this case. Officers will note that a care home cannot fall within Class C3 (b) as children are deemed incapable of forming a household in their own right. As such, the use in this case falls within C2.

Section 191 of the Town and Country Planning Act 1990 allows for a Certificate to be submitted where such a use has been in place for a period of 10 years, to confirm that the use is considered to be lawful and immune from enforcement action.

Use of The Old School for 10 years

The enclosed Ofsted reports confirm that The Old School House has been used as a children's care home within Use Class C2 since 2011 at the latest. The only year an inspection was not conducted was 2020, where all routine inspections were suspended as a result of the coronavirus. The application form requests confirmation of when the use began – the date included is from the earliest Ofsted report, 21.07.11.

The reports for the site state the Unique Reference Number SC433430 for the property allocated to it by Ofsted to ensure confidentiality of placements of any children.

As such, the property has clearly been demonstrated to be in use as a children's home, within Use Class C2, for a period of over 10 years, and the Certificate can be granted on this basis.

I trust the enclosed provides sufficient information to determine the application and we look forward to the registration of the same. Should you have any queries, please do not hesitate to contact me.

Yours Sincerely



Anna Gillings
Managing Director

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