

DELEGATED DECISION REPORT

HPK/2026/0071
Valid 24/02/2026

8 QUEENS ROAD
FAIRFIELD
BUXTON

CHANGE OF USE OF C3
DWELLINGHOUSE TO C2
CHILDREN'S HOME

(FULL - MINOR)

MAIN ISSUES

- Principle of development.
- Use & Amenity.
- Historic environment.
- Highway safety.
- Nutrient neutrality.

DESCRIPTION OF SITE

The application site is a detached property located within the built-up area of Buxton. The site is not located within a Conservation Area, but is located immediately adjacent to the 'Fairfield Common' Conservation Area, and therefore forms part of its setting.

The existing property is understood to be currently used as a licensed House in Multiple Occupation (HMO).

To the side (east) and rear (north) of the site is a pedestrian footpath, although this is not a designated Right of Way.

The site has an off-street parking area to the east of the property, and a yard area to the rear.

The site is also located within the Nutrient Neutrality catchment, and the Nutrient Neutrality SSSI catchment.

PROPOSAL

The proposal seeks to change the use of the property from a dwellinghouse (Use Class C3) to a children's care home (Use Class C2). As such no external alterations are proposed.

The children's care home would accommodate up to 4 children between the ages of 8 and 17 years old. The submitted Planning Statement identifies that the children would not have any special educational or complex behavioural needs.

The children will be supported by up to 2 care staff during the day (08:00–20:00), and 2 care staff at night (20:00–08:00), providing care on a shift-rota basis, performing routine duties such as cooking, cleaning, and facilitating school and leisure trips. During the day (09:00 - 17:00) a manager will be physically on site. Outside of these hours a manager will be 'on call' to addresses any issues that may arise. The property would therefore be subject to 24-hour staff supervision.

It is understood that the intention is to lease the property to an experienced children's care provider.

The Council engaged with the agent throughout the application process to seek further information and clarity in relation to the proposal. The Council also undertook without prejudice discussions in relation to possible conditions, and requested the applicant/agents agreement be provided in relation to the use of a pre-commencement condition requiring the submission and approval of a full detailed site management plan, as the 'Operational Management Plan' submitted was considered to be insufficient with regards to its content and level of detail. It was considered that this approach would provide flexibility for prospective operators given the applicants intention to lease the premises to a third party care provider, who could submit a site specific management plan relative to their operations. No agreement to the use of such a condition has been forthcoming.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES **High Peak Borough Council Local Plan (2016):**

Policy S 1 Sustainable Development Principles.

Policy S 1a Presumption in Favour of Sustainable Development.

Policy S 2 Settlement Hierarchy.

Policy S 7 Buxton Sub-area Strategy.

Policy EQ 6 Design and Place Making.

Policy EQ 7 Built and Historic Environment.

Policy CF 6 Accessibility and Transport.

National Planning Policy Framework (December 2024):

Part 2 – Achieving Sustainable Development.

Part 4 – Decision-making.

Part 8 – Promoting Healthy and Safe Communities.

Part 9 – Promoting Sustainable Transport.

Part 12 – Achieving Well Designed Places.

Part 16 – Conserving and Enhancing the Historic Environment.

Supplementary Planning Documents (SPD):

High Peak Design Guide (2018).

Buxton-Fairfield Conservation Area character statement.

Planning (Listed Buildings and Conservation Areas) Act 1990.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2004/0962 - Erection Of Detached Dwelling - Refused 29/11/2004.

HPK/2006/0120 - Demolition Of Double Garage And Building Of New House - Refused 04/04/2006 - Appeal Dismissed 23/03/2007.

HPK/2008/0120 - Detached Dwelling House (one Unit) - Withdrawn 11/04/2008.

HPK/2008/0670 - Resubmission of HPK/2008/0120 For Dwelling House - Approved 19/12/2008.

HPK/2020/0175 - Application for Lawful Development Certificate to use the property as supported living accommodation – Approval of Certificate of Lawfulness Proposed 13/07/2020.

CONSULTATIONS

Publicity

Site Notice expiry date: 21/04/2026.

Neighbour consultation period ends: 09/04/2026.

Press Advert: N/A.

Public Comments

1 written representation has been received from a resident, objecting to the proposal.

A summary of the points raised in the submitted comment(s) is as follows:

- Parking issues.
- Busy road.
- Residential area.
- Front door straight onto public path.
- Drug problems in area.
- Unsuitable for children.
- Police involved.
- Next to older peoples homes.

A summary of the points raised in other submitted comments is as follows:

High Peak Borough Council Environmental Health:

- No observations to make.

High Peak Borough Council Private Sector Housing:

- Records show that this property has a current HMO license as a 6 person HMO with shared facilities. The license was renewed in October 2023 and will expire October 2028.

Derbyshire Police:

- The salient community safety matters for this application relate to safeguarding risks rather than design or specification.
- The immediate locality to the application address is one with a significant H.M.O presence, of which many of the occupants have their own complex needs relating to mental health, with domestic violence and substance abuse common.
- This situation regrettably attracts criminals from surrounding cities who exploit the vulnerabilities of these tenants, and are also known to exploit vulnerable young people for trafficking.
- The wider Fairfield area has a mapped county lines drug dealing operation, and is currently the subject of a central government Clear-Hold-Build regeneration project, introduced to tackle long term drug and deprivation problems for the locality.
- Whilst it's accepted that some of these problems can be mitigated by good management, on balance we would see the risks to potentially vulnerable young people residing at this location as unacceptable, as such would advise against approving the application.

Derbyshire County Council Highways:

- No objections, subject to conditions.
- It is considered that the parking provision proposed to serve the proposed C2 use classification will not have an unacceptable impact on highway safety.

Buxton Civic Association:

- No objections.

Councillor Quinn:

- The accommodation will be for vulnerable young people and this is an area where it will be extremely difficult to safeguard them.

- There is a high level of anti social behaviour, links to organised crime and substance abuse in the area.

Severn Trent Water:

- Conditions and informatives advised.

No other written representations received as part of the consultation process.

OFFICER COMMENTS

Principle of Development:

Local Policy Position:

HPBC Local Plan Policy S 1 seeks to ensure the delivery of sustainable development, by ensuring, amongst other things, the effective use of land, protecting and enhancing the boroughs natural and historic environments, and securing high quality design and amenity standards. Policy S 1 seeks to locate new development in line with the boroughs Settlement Hierarchy.

HPBC Local Plan Policy S 2 sets out the settlement hierarchy for the borough. The application site falls within Buxton, which is identified as a 'Market Town', which is an area which will be the main focus for development and growth.

The Buxton Sub-area Strategy (Policy S 7) seeks to establish Buxton as England's leading spa town and principal service centre for the Peak District. This will be achieved by, amongst other things, protecting and enhancing the unique character of Buxton's spa heritage, townscape and natural environment, meeting housing needs, encouraging growth of employment opportunities and the local economy, and enhancing community services and infrastructure.

National Policy Position:

Part 16 of the National Planning Policy Framework (December 2024) sets out the national position for considering proposals which affect heritage assets. Paragraph 212 identifies that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 213 identifies that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

In order to establish whether the principle of the development is acceptable the Council needs to first establish, as per the general duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, whether the proposal will

preserve or enhance the setting of the character and appearance of the Conservation Area. This will be discussed and assessed later within the report.

Taking all these factors into account, it is considered that the principle of development at the site may be acceptable in policy terms, providing that it conforms with policies S 1, S 2, S 7 and EQ6 of the adopted Local Plan (2016), national policy as set out in the National Planning Policy Framework (December 2024), and subject to all other material planning considerations being acceptable.

Use & Amenity:

Previous / Existing Use:

It is understood that the property operated as a HMO in 2020 and was later in use between May 2021 and July 2021 as supported living accommodation. A Lawful Development Certificate was granted for the supported living accommodation on 13/07/2020. This application submission details that due to viability issues, primarily relating to insufficient local authority funding to support the required level of care and staffing, the use was not sustainable and was discontinued. The property then reverted back to a HMO.

It is understood that the property is still in use as a HMO and is occupied by up to 6 people. However, details provided by the agent suggest that the HMO premises would be vacated by the end of April 2026. It is unclear why this is the case or whether this has occurred. In any event the Council is satisfied that, as the property was occupied as a HMO by no more than 6 people, it would retain its C3 use class.

The Council's Private Sector Housing Team have confirmed that the property has historically held HMO licenses and currently holds an active HMO license until October 2028.

Proposed Use:

As set out, it is proposed to change the use of the premises from a dwellinghouse (Use Class C3) to a children's care home (Use Class C2). The children's care home would accommodate up to 4 children between the ages of 8 and 17 years old.

Policy EQ 6 of HPBC's local plan identifies that all development should be well designed and of a high quality that responds positively to its environment, whilst also contributing to local distinctiveness and sense of place. It seeks to achieve this by, amongst other things:

1. Requiring that public and private spaces are safe.
2. Requiring that developments are designed to minimise opportunities for anti-social or criminal behaviour and promote safe living environments.
3. Requiring that development achieves a satisfactory relationship to adjacent development and does not cause adverse impacts on local character and amenity.

Part 8 of the NPPF (December 2024) seeks to promote healthy and safe communities. Paragraph 96 identifies that planning decisions should aim to achieve healthy, inclusive and safe places which:

*“b) are safe and accessible, **so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion** – for example through the use of well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and” [emphasis added].*

This same approach is reflected in NPPF Paragraph 135(f), which seeks to

*“create places that are **safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users**⁵¹; and where **crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.**” [emphasis added].*

The consultation response received from Derbyshire Police identifies widespread crime and anti-social behaviour within the immediate vicinity of the application site, which includes domestic violence and county lines drug dealing. Indeed the Fairfield area is currently the subject of a central government Clear-Hold-Build regeneration project, introduced to tackle long term drug and deprivation problems in the locality.

The Police raise significant safeguarding concerns for future occupiers of the premises due to evidence of criminals exploiting vulnerable young people for trafficking. The Police conclude that the risks to potentially vulnerable young people residing at the site would be unacceptable, and as such they advise against approving the change of use.

The built environment has a direct impact on crime, and the fear of crime and community safety. It is accepted that it is generally somewhat anecdotal to suggest that future occupants of the children's care home would become involved with criminal activity and/or cause or contribute to anti-social behaviour within the area. However based on the concerns raised by the Police, the position of child exploitation appears to already be established within the locality, and based on previous evidence, appears to be a realistic prospect for future occupiers of the premises.

Whilst there is likely to be checks and balances within other regulatory services associated with the care of children at the premises, such as via social services and/or Ofsted for example, there would still be a residual increased risk of crime and exploitation in the area surrounding the site, to the detriment of quality of life and community cohesion. It is considered in this case that the fundamental issue of children being exposed to and exploited by criminal activities would stem directly from the use of the site as a children's care home. Therefore it is likely that the proposed use of the premises would exacerbate or contribute to an increase in crime

levels within the area, or an increased perception of crime within the local community.

The purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF (December 2024) identifies that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

*“b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by **fostering** well-designed, beautiful and **safe places**, with accessible services and open spaces that reflect current and future needs and **support communities’** health, **social** and cultural **well-being**,”* [emphasis added].

The proposed change of use of the application site is considered to undermine the quality of life of communities by enabling a likely increase in crime, disorder, or anti-social behaviour as a direct consequence of permitting a use which would facilitate the criminal exploitation of vulnerable children. As such the development would not create or promote a safe living environment, nor support the social well-being of the local community, resulting in a negative impact on the amenity of residents. The proposal therefore conflicts with Policy EQ 6 of the HBPC Local Plan, Paragraphs 96 and 135 of the NPPF, and the overarching social objective of the planning system.

Historic Environment:

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires a Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area (Section 72 respectively).

The site is located immediately adjacent to the ‘Fairfield Common’ Conservation Area and therefore forms part of its setting.

Given that no external alterations are proposed to the premises, and the application is to simply change the use of the building, it is considered that the proposal will not impact the significance of the character and appearance of the Conservation Area.

Highway Safety:

The application site has an area of off-street parking to the east of the property. A parking plan has been submitted which identifies that this area can currently accommodate 5 cars, 4 in a tandem format and then a singular space. This area will remain available for use, so there will be no change in off-street parking provision as a result of the proposed change of use.

The submitted Management Plan details that the site will operate on a shift basis. This includes 2x care workers on the early Shift (08:00–20:00), and 2x care workers on the late Shift (20:00–08:00). A manager will be on site as an additional person between 09:00 - 17:00, resulting in there being a maximum of 3 staff on shift at any given time.

It was observed at the time of the Council's site visit that Queens Road is a busy thoroughfare for vehicle traffic. A parking strategy is set out in the submitted Management Plan to ensure that the off-street parking operates effectively and no staff become 'boxed in' by subsequent shift parking.

Any visits to the site by Ofsted / social services etc will likely take place during the day time when there is available off-street parking due to the absence of the late shift staff.

A bin storage area is located to the rear of the property, with bin storage and collection continuing to operate as per the existing arrangements.

Overall, it is considered that the proposal would not have a detrimental impact upon the safety and/or capacity of the local highway network.

Nutrient Neutrality:

The site lies within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC). The Council has been notified that action must be taken to address exceedances of phosphorus in the River. As such, the Council cannot grant consent for development unless it can rule out "likely significant effects" on the SAC. A Habitats Regulations Assessment (HRA) will be required when the plan or project creates a source of water pollution or has an impact on water quality and when it is within the catchment of the SAC. Initially, a screening assessment will be required to consider if "likely significant effects" (alone or in-combination) on the SAC can be ruled out. If not, this will be followed by an "Appropriate Assessment" where the impact of the plan or project is considered in detail.

Screening Assessment

The proposal is not directly connected with or necessary for the conservation management of a European site. The proposal will not increase overnight stays or surface water run-off from the site. Therefore it will not risk having a significant negative effect on the SAC either on its own or in combination with other proposals and therefore it is not necessary to carry out an Appropriate Assessment.

CONCLUSION / PLANNING BALANCE

The proposal would not impact upon the character and appearance of the Conservation Area.

There are also no highway safety/capacity concerns related to the proposed use of the premises.

However the proposed change of use of the site is considered to undermine the quality of life of communities by enabling a likely increase in crime, disorder, or anti-social behaviour as a direct consequence of permitting a use which would facilitate the criminal exploitation of vulnerable children, particularly in an area which is already the subject of central government intervention to reduce drug and deprivation problems in the locality. It is therefore concluded that the use of this building for the housing of young people in this location cannot be supported.

As such, having reviewed all the submitted information, and assessing this against all relevant policies and material planning considerations, within the planning balance, a refusal of planning permission is recommended for this application.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Alex Bonser

Recommendation Date: 14/05/2026

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council