



CAROLINE TAMWORTH PLANNING

Planning and Development

FULL PLANNING APPLICATION

**PROPOSED USE OF DWELLING (USE CLASS C3) AS CHILDREN'S CARE HOME TO
ACCOMMODATE UP TO A MAXIMUM OF 3 CHILDREN (USE CLASS C2)**

75 ST JOHNS ROAD, BUXTON, SK17 6UU

PLANNING STATEMENT

Prepared On Behalf of Connected in Care Ltd

By

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1.0 The Site

1.1 The application relates to a semi-detached two storey dwelling on St John's Road, Buxton.



Front elevation of application site

1.2 Living accommodation comprises a kitchen, lounge, dining room, conservatory and attached garage, utility room and 2 W.C.s to the ground floor and five bedrooms and a family bathroom to the first floor. The dwelling is set back from the road frontage with a gated driveway and landscaped garden behind a low stone wall and dense hedge to the front and patio and landscaped garden to the rear.

1.3 The surrounding area is residential in character, located approximately 800m to the south west of the centre of Buxton.

2.0 The Proposal

2.1 The application seeks planning permission for the use of the dwelling as a small children's home falling within Planning Use Class C2.

2.2 The home will accommodate a maximum of 3 children at any one time and will provide shared living facilities and sleep in carer accommodation. The home would be OFSTED registered and accommodate children between the ages of 5 and 17.

2.3 The proposed home will be staffed on a rota system rather than carers living at the home permanently and as such falls within Planning Use Class C2.

2.4 The proposed home will provide a substitute family environment, or "home away from home", offering high-quality residential care for children and young people who cannot live with their own families and require support to feel safe and achieve stability. The provider will deliver bespoke support, with the aim of helping children return to a family setting where appropriate, whether with their own family or with foster carers. Care packages will be tailored to children from a range of backgrounds and with differing needs.

2.5 A minimum stay for a young person at the home would usually be 6 months with the majority of children staying long-term, depending on the needs of the young person.

2.6 The home will be staffed by a small team working on a rota. Staff changeover will take place at 10.00am, with staff generally working four days on and four days off. Only one member of staff will change over each day, limiting vehicle movements at handover. The remaining staff member on site will brief the incoming staff member, so the process will be brief and low-key.

2.7 Two members of staff will be on-site overnight. A manager will also visit the home daily Monday to Friday between 09:00 and 17:00. Visitors to the site will be limited with visits from social services, usually every four to six weeks, with an independent monitoring/Regulation 44 visit each month in compliance with the Children's Homes (England) Regulations 2015. It is usual for one social worker to visit all the children at the home but there may be occasional visits by other social workers to cater for an individual child's needs.

2.8 The driveway will provide four off-street car parking spaces for staff and visitors and the enclosed front and rear gardens will provide space for outdoor play and recreation.

2.9 No external alterations are proposed.

3.0 Planning Policy Context

3.1 The application site is unallocated for any primary purpose on the High Peak Borough Council Local Plan Proposals Map.

3.2 The following Local Plan policies are relevant to this application:

- Policy S1 - Sustainable Development Principles
- Policy S1a - Presumption in Favour of Sustainable Development
- Policy S2 - Settlement Hierarchy
- Policy CF5 - Provision and Retention of Local Community Services and Facilities
- Policy CF6 - Accessibility and Transport
- Policy EQ6 - Design & Place Making
- Policy EQ10 - Pollution and Unstable Land

3.3 Policy S1 requires development to contribute to sustainable communities, protect amenity and be compatible with its surroundings. Policy S1a applies the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).

3.4 Policy S2 supports development within the defined built-up boundaries of towns and larger villages where services and facilities are available.

3.5 Policy CF5 supports proposals that protect, retain or enhance local community services and facilities, including care facilities.

3.6 Policy CF6 requires development to have suitable access, parking and sustainable transport opportunities.

3.7 Policy EQ6 requires development to respect local character and protect residential amenity.

3.8 Policy EQ10 seeks to ensure that proposals are compatible with surrounding land uses and avoid development which results in unacceptable levels of air, water, soil, noise or light pollution which would have an adverse impact on the amenity of neighbouring occupiers.

3.9 Advice contained within the NPPF is also relevant, in particular within chapters 2 (Achieving Sustainable Development), 5 (Delivering a Sufficient Supply of Homes), 8 (Promoting Health and Sustainable Communities), 9 (Promoting Sustainable Transport), 12 (Achieving Well Designed and Beautiful Places) and 15 (Conserving and Enhancing the Natural Environment).

4.0 Planning Policy Compliance

Principle of Development

4.1 The site is located within the built-up area boundary of Buxton, which is identified as one of the larger market towns under the settlement hierarchy of Local Plan Policy S2, where there is excellent access to a wide range of services, facilities, education and employment opportunities and leisure. The site is within a sustainable location with good access to public transport thereby reducing reliance upon the use of cars for travel in compliance with Local Plan Policy S1 and S1a.

4.2 The proposed development will make use of an existing residential property to provide an important community care facility, consistent with Policy CF5, which supports the provision of local community services that contribute to meeting identified social needs. Such facilities should be located within defined built-up areas where they are most accessible. The scale of the proposed home, accommodating a maximum of three children in a domestic environment, ensures that the residential character of the property and surrounding area is maintained.

4.3 Paragraph 61 of the NPPF states:

“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area’s identified housing need, including with an appropriate mix of housing types for the local community.”

4.4 A 2023 Statement made by Rachel Maclean, Minister of State for Housing and Planning, in relation to planning for accommodation for looked after children reads:

“I, with the support of my Rt Hon colleague the Secretary of State for Education, wish to set out the Government’s commitment to support the development of accommodation for looked after children, and its delivery through the planning system.

The planning system should not be a barrier to providing homes for the most vulnerable children in society.....

Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country.....

Planning permission will not be required in all cases of development of children's homes, including for changes of use from dwelling houses in Class C3 of the Use Classes Order 1987 where the children's home remains within Class C3 or there is no material change of use to Class C2. An application to the local planning authority can be made for a lawful development certificate to confirm whether, on the facts of the case, the specific use is or would be lawful. Where a Certificate is issued, a planning application would not be required for the matters specified in the certificate."

4.5 The established use of the site is private residential, falling within planning Use Class C3. The dwelling could accommodate a range of household types, but due to its size is particularly suited to a larger family unit or a group of co-habiting adults.

4.6 The Town and Country Planning (Use Classes) Order 1987 (as amended) refers under use class C3(b) to 'use as a dwelling house by no more than six residents living together as a single household, (including a household where care is provided for residents)'. The care could also be for people with mental health problems or learning disabilities. The Order therefore allows for a range of different household types and models.

4.7 If a children's home was being run on the above basis, with children being looked after by a permanent occupant of the dwelling, then planning permission would not be required. However, in this case the care providers will work shifts and not reside permanently at the property.

4.8 In the North Devon District Council vs. The First Secretary of State [2003] Judgment, Lord Justice Collins made the point that children "*need to be looked after. They cannot run a house. They cannot be expected to deal with all the matters that go to running a home ... children are regarded as needing fulltime care from an adult, someone to look after them, someone to run their lives for them and someone to make sure that the household operates as it should.*"

4.9 The judgment confirms that children are incapable of forming a 'household' for the purpose of Use Class C3 and also clarified that carers who provided 24-hour care but were not resident could not be regarded as forming part of a household. Where the care providers do not live on site the use cannot be considered to fall within planning use class C3 (b) and is a C2 use. An Inspector's decision in 2010 in Stockport stated that the use of premises as a children's home will generally be considered to fall within planning use class C2.

4.10 In appeal decision APP/K2420/X/11/2155849, an Inspector granted a lawful development certificate for the use of a house in Leicestershire as a children's home. Although the proposal involved a change from Use Class C3 to Use Class C2, the Inspector concluded that there was no **material** change of use. The case concerned a modern detached house on a residential estate, proposed for use as a care home for up to three children and young people aged 9 to 17 with learning disabilities, supported by non-resident care staff working shifts.

The Inspector noted that the North Devon judgment supported the view that use as a children's care home with non-resident carers falls within Use Class C2, before considering whether the change was material. Staff numbers were the Council's sole concern, but the Inspector found that they were not materially different from those expected in a family dwelling. The appeal was therefore allowed. Subsequent appeal decisions and local authority decisions for similar care homes have reaffirmed this approach. While some local planning authorities accept lawful development certificate applications for such proposals, others prefer to assess each proposal on its own merits. In the absence of many lawful development certificate applications for similar proposals, full planning permission is sought. The approval of a similar application at No. 95 St John's Road in 2024 (HPK/2024/0147) further supports the justification.

4.11 In view of the above, the proposed change of use is acceptable in principle when assessed against the relevant Local Plan policy criteria, subject to assessment against other relevant Plan policies.

Amenity Issues

4.12 Local Plan Policy EQ6 and NPPF paragraph 135 require new development to relate satisfactorily to existing land and buildings and protect amenity for existing and future occupiers, including neighbouring residents. Relevant considerations include loss of sunlight, overshadowing, overbearing impact, loss of outlook and loss of privacy.

4.13 Local Plan Policy EQ10 seeks to protect people and the environment from adverse effects including air, noise and light pollution, and other forms of nuisance or harm to amenity. Paragraph 187 of the NPPF states that planning policies and decisions should ensure development is appropriate for its location, taking account of the likely effects of pollution on health, living conditions and the natural environment.

4.14 OFSTED requires that children's homes are operated as closely as possible to a typical family household. The dwelling is of a substantial size and will provide the children with spacious living rooms, outdoor space and bedrooms served by adequate natural light.

4.15 Although staff will not live at the property permanently, the day-to-day use will be similar to a C3(a) household where adults may work shifts or extended family members help care for children, and to a C3(b) use where care is provided. The bathroom, kitchen and living rooms will be shared. The level of activity and overnight occupation will therefore be comparable to that of a permanent household occupying a property of this size.

4.16 There is no evidence to suggest that children in care would cause greater noise or disturbance than children living in a C3 dwelling. The proposed use would therefore remain comparable to occupation by a family or house share and would not harm the amenity of nearby occupiers.

Highways

4.17 Local Plan policy CF6, along with paragraph 115 of the NPPF, require developments to demonstrate that safe and suitable access to the site can be achieved for all users. Paragraph 116 of the NPPF states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.18 The site is in an accessible location, with public transport links and a wide range of shops, services and day-to-day facilities available in Buxton town centre. Four off-street parking spaces are provided on the existing driveway, which is sufficient to accommodate the likely vehicle movements associated with the use.

5.0 Conclusion

5.1 The proposed use will provide high-quality specialist accommodation for children in an accessible residential location, supporting integration with the local community and access to recreation, schools and everyday services.

5.2 The change of use would result in only a limited change to the function and activity of the site. The small number of children and low-key staffing arrangements mean the home would not generate materially greater noise, disturbance or comings and goings than the existing family-sized dwelling.

5.3 Traffic generation would also be limited, given the small staff team, rota arrangements and accessible location. Vehicle movements would be no greater than those reasonably expected from the existing family dwelling and sufficient off-street parking is available within the site.

5.4 For the reasons set out above, the proposal accords with the relevant Development Plan policies and planning permission for the change of use from Use Class C3 to Use Class C2 should be granted.

July 2026