

Planning Statement

Change of use of 31 Low Street, Haxey, Lincolnshire DN9
2LE from Class C3 (Dwellinghouse) to Class C2 (Residential
Care Home)

for Esland North Limited

17-171

Project : 17-171
Site address : 31 Low Street, Haxey,
Lincolnshire DN9 2LE
Client : Esland North Limited
Date : June 2017
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Contents:

1. Introduction	1
2. Context	1
3. The application	4
4. Policy context	6
5. Planning considerations	13
6. Summary and conclusions	19

1. Introduction

- 1.1 This statement supports a planning application for the change of use of 31 Low Street, Haxey from a Class C3 dwellinghouse to a Class C2 residential care home for up to 3 young people.
- 1.2 The change of use of the property has already taken place, on the premise that the change was not material and therefore planning permission was not required. However, on 06 February 2017, against the recommendation of its officers, the council determined that a material change of use requiring planning permission had occurred. The circumstances of this are discussed in the planning history section of this statement.
- 1.3 The statement demonstrates that no unacceptable planning impacts arise from the use of the dwelling as a small residential care home and the proposal would not conflict with relevant planning policy. Accordingly planning permission should be granted. This position is entirely without prejudice to our position that the use of the premises as currently operating is lawful and does not require require planning permission.

2. Context

The applicant

- 2.1 Esland Care operates 16 small homes for young people across the country providing residential care for 40 children and teenagers. Young people within the care of Esland Care are unable to live with their natural parents for a wide variety of reasons, and consequently are brought into the care of local authorities' social services.
- 2.2 All of the homes are rigorously monitored and inspected by Ofsted. All are currently judged to be 'Good' or 'Outstanding'. Esland Care has established 6 homes within the past 2 years with very positive results.
- 2.3 Esland Care takes great pride in its homes; both the size and feel of the home itself and in the locations chosen for the homes. Properties are well maintained and presented at all times and the company prides itself on being a good neighbour in communities where there are Esland homes. The company operates a Community Charter to ensure this value is upheld and they have integrated successfully into all the communities where they have established homes.

- 2.4 Almost all of the young people cared for by Esland have suffered traumatic experiences such as abuse or neglect in their earlier lives. Many have emotional or psychological difficulties and exhibit challenging behaviours as a result.
- 2.5 Esland aims to provide the safety, security, positive role models and therapeutic support within a home environment to encourage young people in their care to achieve their potential.
- 2.6 In respect of the residential care provision at Haxey, Esland states:

"We offer a happy, homely, safe, nurturing and stimulating environment for all the young people to help them aspire to and achieve their full potential. We aim to support young people to develop and maximise their Independence and social skills whilst having fun. We provide highly personalised care to help young people to feel safe and positive. We have a staff team who are motivated, passionate and committed to working with young people and pursuing the best outcome for each child.

"We want young people to have a place which offers them a unique experience where issues and concerns which have affected them can be addressed positively and where they can progress to new heights. The young people are assessed on their individual needs and the support given is tailored to their needs, as no two young people are alike. This may be in their educational learning, socialising, or emotional needs."

- 2.7 Esland Care operates a highly diligent and rigorous referral process ensuring that young people are allocated placements in homes which can offer appropriate support. This selective process results in Esland being able to offer places to only a small number of the referrals they receive. For example Esland would not place a young person who had a history of anti-social or criminal behavior in a village home like that at Low Street. The company's matching and admission process is highly praised by Ofsted, the body that regulates the industry.
- 2.8 All the recent homes that Esland has established are located in semi-rural areas, small villages and hamlets. The company strongly believes this is a model that provides the most positive outcomes for the children they care for. Semi-rural locations provide a safe and secure environment in an area that is not completely remote but does not have the potential distractions of an urban area. Esland strongly believes that children in their care benefit from this kind of environment and have as much right to be part of such communities as anyone else. Young people in Esland's care homes across the country are part of local sports teams, drama clubs, horse riding academies and bands. They work in local shops, golf clubs and car garages.

Esland has some fantastic outcomes for its young people and this is due in part, to the communities they live in and are able to contribute to.

Site location and description

- 2.9 The application property is located within the village of Haxey, on the north side of Low Street, close to its junction with High Street to the west and Haxey Lane to the south.
- 2.10 The application site is located within a predominantly residential area and is surrounded on all sides by residential development.
- 2.11 The site is within Flood Zone 1 as identified on the Environment Agency flood risk mapping system.
- 2.12 Haxey village contains a fairly limited range of local facilities and services including a village hall, pubs, doctor's surgery, churches (with youth groups) and local shops. Of particular relevance to the use for which permission is sought, is the range of sports and outdoor play facilities on Haxey Lane, within approximately 50m from the site. These include day to day use play areas, a BMX track, basketball area, football goals and a ball wall. Additionally there are cricket, football, tennis and bowls teams playing in local leagues.
- 2.13 There is a primary school in the village, and a secondary school (South Axholme Community School) and indoor sports facilities 4.5km away at Epworth. These are accessible via a short bus journey of approximately 6 minutes (57 service Doncaster - Epworth) from bus stops at the memorial on Low Street 200m from the site. Alternatively a traffic free route is available along the route of the disused Axholme Line railway from the centre of Haxey village to Epworth (approximately 4.7km). Other bus services give access to Doncaster and Scunthorpe and villages between. Additionally a Scunthorpe Colleges bus service provides a daily service in each direction for students.
- 2.14 The dwelling is a 2 ½ storey detached house containing 6 bedrooms, with parking spaces to the front and rear of the dwelling, including a detached garage block in the rear garden.

Relevant planning history

- 2.15 As referred to above, on 08 March 2017, North Lincolnshire Council refused to grant a certificate of lawfulness of existing use (CLEUD) of the premises as a Class C2 residential care home for 3

young people. The application had been submitted on the premise that in this particular case the change of use from Class C3 to Class C2 was not material in planning terms. Although the recommendation of the council's officers was that planning permission should not be required for the change of use, the council's Planning Committee did not agree and voted to refuse the certificate.

- 2.16 Prior to the above a CLOPUD application was refused on 27 July 2016 which sought certification that that use of the dwelling as a residential care home for 3 children fell within Use Class C3(b) (Application ref: PA/2016/505).
- 2.17 A CLOPUD was also refused on 19 September 2016 for the reason that use of the dwelling as a care home for 2 children was not within use Class C3(b). (Application ref PA/2016/1255).

3. The application

- 3.1 Following refusal of the CLEUD application in March, this application seeks full planning permission for the change of use of the site from a Class C3 dwellinghouse to a Class C2 residential care home for up to 3 young people.
- 3.2 At 31 Low Street, Esland Care provides a home for 3 young people between the ages of 10 and 17. The home provides medium to long term care for each young person. A team of 11 staff provides full time care for the young people who live at the care home, working shifts to give 24/7 cover.
- 3.3 The staff comprises 2 primary carers who each work a 4-day week (3 days on then 3 days off, so there is always one of them present), a home manager working Monday – Friday (9 a.m. - 5 p.m), a deputy manager plus two team leaders (one of whom is always on shift); 5 care workers who work a 2-day on, 4-day off rota pattern; resulting usually in 2 members of staff in addition to the primary carers being present during the day. At night 3 staff stay overnight (no waking-night staff required).
- 3.4 Staff change overs typically occur at around 8 a.m.
- 3.5 During week days, within school term times, the young people attend local schools or in some cases are home schooled. A member of staff takes the children to and from school using the 'house vehicle'.

- 3.6 As with other Esland Care homes, the home aims to provide the young people with an environment as close as possible to a family home. Esland Care operates its homes under the ethos that they are robust surrogate parents. They provide high levels of support that they feel creates a 'high warmth, high control' environment for the children they care for.
- 3.7 Staff and children take meals together and the young people help with daily chores. Each young person has their own bedroom, which is fitted with a lock for privacy and to meet legal requirements, however the carers have a key to each room. Bedrooms are also provided for staff sleeping in. All other day-to-day living facilities in the home are shared.
- 3.8 The property has the layout, facilities, services and character of a traditional dwellinghouse. The use as a care home has not changed this and the external appearance of the building has not been altered.
- 3.9 In addition to the carers, there are short and infrequent visits from social workers and other support professionals. However it is rare for children to receive social visits from family members to the home. Day to day living activities such as shopping, school runs and social outings for the children are undertaken by the carers (or perhaps by on-line ordering/delivery in the case of shopping).
- 3.10 Young people who have been/are resident at 31 Low Street have been involved in horse riding lessons, football teams and employment with local businesses. They attend local school/college or are home schooled.
- 3.11 The young people will be expected to leave the home on maturity to live independent lives. The only reason the young people are resident at the application property is because they are unable to live with their natural parents but they are not old enough to live independently.
- 3.12 The property has sufficient off-road parking and outdoor amenity space with parking space to the front and rear of the property accessed by a shared driveway.
- 3.13 It was our position in the previous CLEUD application that the use of the property as a residential care home for 3 children was not materially different than use as a single family dwelling. We still consider that to be the case. However, for the purposes of this application this statement will demonstrate that the use does not result in unacceptable planning impacts in so far as are material to determining a planning application.

4. Policy context

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the relevant development plan:

“If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

4.2 For the purposes of this planning application the relevant development plan comprises the following:

- The North Lincolnshire Core Strategy (adopted in June 2011); and
- The saved policies of the North Lincolnshire Local Plan (2003);

4.3 The council also has an Interim Planning Policy for Residential Care Homes/Institutions which is also relevant to this application, but does not form part of the development plan and so should be afforded weight accordingly.

4.4 As a significant material consideration, regard should also be had to the policies in the National Planning Policy Framework (the NPPF) which sets out the Government's national planning policy.

4.5 National Planning Practice Guidance (PPG) provides additional guidance on interpretation of government policy.

4.6 Relevant policies and guidance from the above are summarised below.

National Planning Policy Framework

4.7 The NPPF sets out planning policies for contributing to the achieving sustainable development in England.

4.8 Paragraph 7 of the NPPF identifies 3 dimensions to sustainable development, and the roles that the planning system plays to achieve them. These are economic, social and environmental and should be seen as mutually dependent contributors to the achievement of sustainable development.

4.9 Of particular relevance to this application is the social dimension. In this respect the government expects the planning system to support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflects the community's needs and support its health, social and cultural wellbeing.

4.10 A presumption in favour of sustainable development is identified at paragraph 14, to be seen as a golden thread running through both plan making and decision taking. For decision taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole; or
 - Specific policies in the Framework indicate development should be restricted.

4.11 Paragraph 17 identifies core principles to underpin plan making and decision taking within the overarching roles of the planning system. Of particular relevance to this application are that the planning system should:

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes,.....infrastructure and thriving local places that the country needs....
-focus **significant** development in locations which are or can be made sustainable.

4.12 In relation to *Promoting sustainable transport* (section 4), paragraph 34 states that:

*Plans and decisions should ensure developments that generate **significant** movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However, this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas. (emphasis added).*

4.13 Within section 6: *Delivering a wide choice of high quality homes*, the NPPF states at paragraph 50 that to create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, *but not limited to*, families with children, older people, people with disabilities, service families and people wishing to build their own homes)

4.14 Within section 8: *Promoting healthy communities*, paragraph 69 states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Planning policies and decisions should aim to achieve places which promote, amongst other things:

- opportunities for meetings between members of the community who might not otherwise come into contact with each other;

4.15 Paragraph 70 states that to deliver social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- Plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments;
- Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

4.16 Annex 1 of the NPPF relating to Implementation, states at paragraph 215 that due weight should be given to policies in plans that existed at the time of the introduction of the NPPF according to their degree of consistency with the policies of the NPPF.

The development plan

4.17 For the purposes of this application the relevant policies of the development plan are contained within the North Lincolnshire Core Strategy (adopted 2011), the North Lincolnshire Local Plan (2003) and the Housing and Employment Land Allocations DPD (2016). The proposals map included in the land allocations DPD shows Haxey village as an inset settlement surrounded by an area of historic landscape value.

4.18 On its adoption in 2011, the Core Strategy replaced some of the policies in the Local Plan (2003). The remaining, saved 2003 Local Plan policies form part of the development plan for the time being.

4.19 It must be emphasised that both the Local Plan and the Core Strategy pre-date the introduction of the NPPF. Consequently, in accordance with paragraph 215 of the NPPF, relevant policies must be tested for consistency with the policies of the NPPF to determine what

weight should be attributed to them in decision making. If the policies are inconsistent, they should be afforded little weight.

4.20 The council is responding to the requirement to prepare a single Local Plan for the area and undertook a Regulation 18 initial consultation on the North Lincolnshire Local Plan 2017-2036 during February and March 2017. This included a call for sites to identify land suitable for future development. It is envisaged the Local Plan will be adopted during 2018/19; consequently it is at a very early stage and can be attributed no significant weight in decision making.

North Lincolnshire Core Strategy (2011)

4.21 As stated above, the Core Strategy pre-dates the NPPF, so weight must be attributed to relevant policies according to their degree of consistency with policies of the NPPF.

4.22 There are no policies within the Core Strategy that specifically refer to Class C2 uses.

4.23 However, the spatial and amenity policies applicable to all forms of development are material. These include:

- **Policy CS1** which sets out the spatial strategy for North Lincolnshire, identifying the key locations for future growth and development. It states that rural settlements will be supported as thriving sustainable communities with a strong focus on retaining and enhancing local services to meet local needs. Opportunities for rural economic diversification and tourism will be created. Nevertheless development will be limited and take into account levels of local service provision, infrastructure capacity and accessibility. Development should be in keeping with the character and nature of the settlement.
- **Policy CS2** sets out a series of development principles against which proposals will be assessed. These include that developments should:
 - Contribute to creating locally distinctive, sustainable, inclusive, healthy and vibrant communities;
 - Ensure that everyone has access to health, education, jobs, shops, leisure and other community and cultural facilities that people need for their daily lives.
- **Policy CS22** supports the provision, improvement and retention of community facilities and services to ensure a good quality of life for local residents. The policy identifies where community facilities and services could be provided.

North Lincolnshire Local Plan (2003)

4.24 Again we emphasise that the remaining saved policies of the 2003 local plan must be tested for consistency with the policies of the NPPF to determine the weight to be attributed to them in decision taking. The following are relevant to this application:

- **Policies H5 and H8** set out the circumstances in which planning permission will be granted for new housing development. These include provisos that the site is located within certain named settlements (or medium growth settlements) (or it comprises infill development of upto 3 dwellings if in a minimum growth settlement). Other criteria relate to location, design, residential amenity, layout, scale, character, highways and landscaping.
- **Policy H16** is titled **Nursing and Rest Homes** although the policy then goes on to refer to "residential, nursing and rest homes and similar establishments". This states that such development will be permitted if located within the same categories of settlements as identified in policy H5 and other provisos relating to residential amenity, parking and servicing. Haxey is not one of the settlements referred to.
- **Policy T1** specifies the locations where development proposals that generate significant volumes of traffic should be located.
- **Policy T2** requires that all development shall be provided with satisfactory access.
- **Policy T19** relates to car parking provision and refers to standards set out in Appendix 2 of the plan. However it is noted that the standards were under review at the time of preparation of the plan in 2003.
- **Policy DS1** sets out criteria against which all development proposals will be assessed relating to design, amenity, conservation, resources, utilities and services.

Housing and Employment Land Allocations DPD 2016.

4.25 This does not identify any allocations that are relevant to this application, however in recognition of the fact that the adopted development plan did not reflect the presumption in favour of sustainable development established in the NPPF, the DPD includes the following policy:

Policy PS1: Presumption in favour of sustainable development: *When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.*

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- Specific policies in that Framework indicate that development should be restricted.*

Other material considerations

Interim Planning Policy for Residential Care Homes/Institutions

- 4.26 This is not a development plan document (DPD), as it has not been through the requisite public consultation, and examination process. Accordingly it does not have the weight of a DPD for the purposes of s.38(6) of the Planning and Compensation Act 2004, and this follows through to paragraph 14 of the NPPF.
- 4.27 Nevertheless, it sets out criteria that the council has adopted following the introduction of the NPPF and currently uses for decision making purposes in respect of planning applications for residential care homes. The document apparently seeks to provide a policy update in response to national policy introduced by the NPPF.
- 4.28 Accordingly it is a material consideration in decision making. Whether or not the weight that is attributed to the interim policy will be significant in the decision making process, is influenced by the degree of consistency of the adopted local plan policies with the NPPF.
- 4.29 The fact that the council has issued an 'interim policy' at variance with its adopted policy in relation to residential care homes is clear confirmation that the council considers that the development plan policy on this issue is not consistent with the NPPF.
- 4.30 In particular it should be noted that one of the ways that the interim policy varies from the development plan is that it does not specify that homes must be located within particular settlements. Rather it requires them to be located in sustainable locations with good access to local schools, leisure/community facilities and other local services.

- 4.31 It should also be noted that Local Plan policy H5 relating to new housing development, contained a proviso specifying that new housing development would be permitted providing that it is located within the same settlements specified in policy H16 (nursing homes). However, this part of policy H5 was replaced by the subsequent Core Strategy policies CS1, CS2 and CS8, which do not require that new housing development should only be located within those particular settlements. This is further confirmation that the council has recognised that the approach taken in the development plan is out of date.
- 4.32 The interim residential care homes policy states that proposals for change of use or new buildings for residential care homes will not be permitted unless they comply with all of 11 specified criteria. These relate to proximity to facilities for day-to-day living; flood risk; character of the local area; design; access, parking and servicing; extensions and alterations to the building; amenity space; fire escape provision; neighbour amenity and public safety.
- 4.33 In addition to national planning policy, the interim policy also refers to other aspects of the regulatory framework for residential children's homes; noting particularly the provisions of the National Minimum Standards for children's homes. These seek to ensure that children live in well-designed, safe and pleasant homes with adequate space in a suitable location where there is access to a range of activities to promote their development. It is also noted that children's home providers are required to undertake a location risk assessment to ensure homes are located where children are effectively safeguarded and able to access services to meet needs identified in their care or placement plans.

National Planning Practice Guidance (PPG)

- 4.34 Within the section on determining a planning application, paragraph ref 21b-028 states that local authorities need to consider whether children's best interests are relevant to any planning issue under consideration.
- 4.35 Within the section on rural housing, paragraph 50-001 states that *"It is important to recognise the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the National Planning Policy Framework, in the core planning principles, the section on supporting a prosperous rural economy and the section on housing"*.

- 4.36 It continues that “A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities”.
- 4.37 It also states that “all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence”.
- 4.38 The section on healthy communities states at paragraph 53-005, that a healthy community is a good place to grow up and grow old in. It is one which supports healthy behaviours and supports reductions in health inequalities. It should enhance the physical and mental health of the community. It should encourage the creation of healthy living environments for people of all ages which supports social interaction. It meets the needs of children and young people to grow and develop.

5. Planning considerations

A suitable location

- 5.1 The council has previously disagreed with our position that this small scale children's home is not materially different in planning terms to the lawful use of the property as a Class C3 dwellinghouse. Nevertheless, it must be recognised that the care home is the place where 3 children live as their *home* and the care home is operated in a manner to provide a homely atmosphere, as opposed to an institutional one. The resident children are rightly encouraged to interact with the communities in which they live, and there is no planning reason why 3 looked-after children should not live at the application property, as opposed to 3 (or more) children in a traditional family.
- 5.2 Consequently, there is no reason why this application should not be considered in the context of housing policies to assess whether or not the location is suitable. In particular, we refer to the advice in the PPG in relation to rural housing, which states that all settlements can play a role in delivering sustainable development in rural areas. LPA's are required to consider children's best interests in determining planning application in cases such as this.

- 5.3 We note that the council's interim policy makes reference to other documents within the regulatory framework outside of the planning system. In particular it notes that providers in this sector are required to ensure that premises are located so that looked after children are effectively safeguarded and able to access services to meet the needs identified in their care or placement plans. This is a key driver for the different locations selected for Esland's care homes. They provide homes in urban, semi-rural and rural locations to ensure that placements can be offered which meet the individual needs of children brought into the company's care. For safeguarding reasons it is not appropriate for all children to be homed in urban areas and many vulnerable children benefit from a quieter or more secluded environment for a number of reasons. Ofsted has recognised and supported the chosen location for this care home as being appropriate to meet the particular needs of the children who live there. In the context of the PPG as mentioned above, this is material to determining this application and supports approval.
- 5.4 The alternative use of the property would be as a single family dwelling. Therefore the differential planning impacts of these two uses should be considered in this application. As stated above, in many respects, policy for rural housing development is equally applicable to this small residential care home. Certainly, in terms of the locational sustainability of the two uses we consider that there is no significant difference between them.
- 5.5 Policy H16 of the 2003 Local Plan sets specific criteria against which applications for residential care homes will be assessed. We note however that the policy is titled "Nursing and rest homes" suggesting the focus is primarily on homes providing elderly care and healthcare, as opposed to looked-after children and young people. The policy criterion that care homes will be allowed only in certain settlements is not consistent with the presumption in favour of sustainable development established by the NPPF and does not accord with the aim of creating healthy, inclusive communities. The council's adoption of the interim policy following the introduction of the NPPF is clear evidence that the council considers that its adopted policy is not consistent with more recent policy contained within the NPPF.
- 5.6 Consequently, only limited weight can be attributed to policy H16 and it clearly conflicts with current government policy on inclusive communities. Other material considerations must be taken into account to determine whether, in accordance with paragraph 14 of the NPPF, the benefits of granting planning permission would be significantly and demonstrably outweighed by any adverse impacts in the context of policies in the NPPF.

- 5.7 The provisions of the interim policy carry little weight because they have not been through due process. Although the Core Strategy is silent on the issue of residential care homes specifically, it is supportive of inclusive communities, and whilst policy CS2 identifies key settlements for the location of new development it recognises that rural settlements should be supported as thriving sustainable communities. It commits to creating opportunities for rural economic diversification. Nevertheless, development in rural settlements will be limited and take into account levels of local service provision, infrastructure capacity and accessibility. Development should be in keeping with the character and nature of the rural settlement.
- 5.8 The small scale children's home proposed in this application does not conflict with this policy.
- 5.9 Haxey village provides a level of local service provision that is acceptable given the small scale of the development for which permission is sought in this application, particularly given its similarity with the lawful use in terms of the needs of the occupiers. In particular Haxey makes good provision for outdoor recreation within very close proximity to the property; encouraging positive and healthy choices for the young people. Certain trips are made by private car, including school runs, weekly shopping trips and staff journeys to work. However these trips would be made whether the property operates as a single family dwelling or a small care home, and any differences are not significant in terms of planning impacts. As a 6 bedroom house it is likely that the current lawful use could give rise to a larger number of resident children than what is applied for in this application, who would need to be transported to school, use leisure facilities and make social and other visits,.
- 5.10 There is no conflict with policy within the NPPF relating to the location of new development. The NPPF requires that "significant development" or development that would generate "significant movement" should be provided in sustainable locations. The use falls into neither of these descriptions. There is no emphasis on requiring small scale development, such as this, to be provided in sustainable locations, and there is clear recognition within the NPPF that opportunities for use of sustainable transport modes will differ in rural areas as compared with urban areas.
- 5.11 Residential care homes are not regarded as "town centre uses" for planning policy purposes, and are not required to undergo any form of sequential testing in terms of preferred locations.

- 5.12 Accordingly this residential care provision giving a home to up to 3 children would not conflict with policies for achieving sustainable development in respect of its location in the village of Haxey. Furthermore, as mentioned in the council's interim policy, provision of residential care for young people has a strong emphasis on providing homes in locations that are appropriate for the needs of individual children. It is not always appropriate for looked-after children to be homed in urban areas, where the vulnerability of some young people and their previous experiences or the reasons for them having been taken into care, may give rise to safeguarding issues. Similarly, there may be occasions when children from a rural background are in need of care and an urban location would not be appropriate. As recognised in the interim policy, the regulatory framework outside of the planning system (including Ofsted) must be satisfied that the location of residential homes is suitable to cater for the needs of looked-after children as a condition of registration. The home has been registered by Ofsted and so clearly meets this requirement.
- 5.13 In terms of the location of the use within the village of Haxey, whilst this does not entirely accord with either the interim policy or adopted policy H16, these policies are not consistent with the NPPF and so should be afforded little weight. There is no conflict with policies in the NPPF relating to the location of small scale development within rural settlements.
- 5.14 We now summarise the planning impacts of the development in the context of other policy considerations specified in the development plan and interim policy.

Flood risk

- 5.15 The site is within flood zone 1 and therefore is at low risk of flooding (less than 1 in 1000 annual probability) as assessed by the Environment Agency. There is no policy conflict in respect of flood risk.

Residential amenity

- 5.16 The property provides spacious accommodation which provides a comfortable living environment for the young people who live there. The property accords with The Children's Homes: National Minimum Standards in respect of being a well-designed, safe and pleasant home, with adequate space. In registering the home, Ofsted has confirmed this. The property offers the young people cared for by the home the opportunities for a good quality of life.

- 5.17 The dwelling is detached from its neighbours and although surrounded by other dwellings, they are set in generous plots and there is good separation between them. To either side of the dwelling is a driveway giving access to properties at the rear which separates the dwelling from each of its neighbours on the road frontage. The dwelling to the rear of the property (31a Low Street) is set well back and there is a large detached garage building in each of the plots adjoining the boundary between the two.
- 5.18 Whilst the site is within the village of Haxey, it is at the junction of the B1396 with the A161, a main road busy with commercial and private vehicle traffic. Therefore it is not a quiet location in terms of vehicle movements.
- 5.19 As we have stated previously, Esland Care aims to provide care within an environment as close to a traditional family home as possible. This is so for both the occupiers of the home and for their neighbours. The use of the property does not give rise to unacceptable impacts on the amenity of neighbouring residents as a result of day to day activities associated with the use, including comings and goings from the property.
- 5.20 The development does not result in any change to the overall character of the area, there is no incompatibility with surrounding land uses, and there is no concentration of residential care homes in the vicinity. Accordingly the use does not give rise to unacceptable impacts on the residential amenity of the area.

Public realm

- 5.21 The building retains the appearance of a dwellinghouse and no external alterations or extensions have been necessary to facilitate its use as a small care home.
- 5.22 There is no requirement to provide a purpose-built external fire escape from the building.
- 5.23 Consequently there are no design or character issues arising from the development.

Access and parking

- 5.24 The property provides car parking spaces to the front and rear including garaging for two vehicles, giving overall parking space within the site for 8 vehicles. This accords with the guidelines set out in Appendix 2 of the adopted Local Plan for Use Class C2.

5.25 The site shares a private driveway with no. 31a Low Street, a single dwelling set well back from the road frontage, to the north of the site. However given the small scale of both uses, this is not significant in respect of highway safety, and we consider that the existing arrangements for access and parking are acceptable in terms of the free flow of traffic and highway safety.

The presumption in favour of sustainable development

5.26 Paragraph 14 of the Framework sets out a presumption in favour of sustainable development. It states that where development accords with policies in an up-to-date development plan, it should be approved without delay. Where plans are silent or policies are out-of-date, development should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits.

5.27 The above shows that the proposed development would not accord with policy H16 of the adopted Local Plan because it would not be within one of the settlements where Class C2 uses are permitted by the policy. However this was adopted in 2003, well before the NPPF. The policy requirement is not consistent with the NPPF which does not require small scale development, or development that does not generate significant traffic movements to be in sustainable locations. This is reinforced in the PPG (as summarised in paragraphs 4.34 – 4.38 of this statement) which recognises that small scale residential development in rural settlements serves to support local services and community facilities. In particular it cautions against prohibiting development in rural settlements unless there is good reason for doing so. It also recognises that opportunities for travel by sustainable means will be more limited in rural than urban areas. Haxey village contains a number of facilities and others including a secondary school and indoor sports facilities are available only a short car or bus journey away. By the standards of many rural settlements it is not an unsustainable location.

5.28 If the site were to revert to its previous use as a single dwelling house, the requirement for vehicle movements would be very similar to what is generated by the current use, both in terms of the nature of vehicles and the destinations.

5.29 The differential planning impacts between the existing use and that of a single family dwelling are insignificant. The development contributes strongly to the social role of sustainable development as set out in paragraph 7 of the NPPF by providing specialist housing for those in need of care in a location that is appropriate for their needs. There are no adverse impacts that

significantly and demonstrably outweigh the benefits. It would therefore deliver sustainable development and should be approved in accordance with the presumption in favour of sustainable development at paragraph 14 of the Framework.

6. Summary and conclusions

- 6.1 This statement supports an application for the change of use of 31 Low Street, Haxey from a Class C3 dwellinghouse to a Class C2 residential care home for up to 3 young people.
- 6.2 The council's development plan policy relating to "Nursing and Rest Homes" (H16), which also relates to other kinds of residential homes, is inconsistent with the NPPF in that it prevents such homes from being located in all but specified settlements.
- 6.3 The council has acknowledged the above by introducing an "interim policy" since the NPPF was issued. This makes no reference to the settlements specified in the adopted policy. However, this is not a development plan document and it carries limited weight in decision making, although we acknowledge it is a material consideration. The proposed development does not conflict with this interim policy, particularly when the comparative planning impacts of the alternative use as a large Class C3 dwelling are taken into account.
- 6.4 The statement demonstrates that:
- The application site is suitable for the use;
 - It is located in a suitable area, with access to public transport and an appropriate range of services and facilities, given the individual needs of the particular young people;
 - The use does not alter the character of the area;
 - There are no significant impacts on the amenity of neighbouring occupiers and the property provides a high standard of accommodation to support the well-being of the young people who are cared for by the applicant; and
 - There is sufficient car parking available for the proposed use.
- 6.5 The development provides a significant benefit in the provision of a specialist care home for young persons, which would fulfil the social role of sustainability set out at paragraph 7 of the NPPF. Furthermore, there would be no adverse impacts resulting from the proposed development that would significantly and demonstrably outweigh that benefit.

6.6 In accordance with the presumption in favour of sustainable development at paragraph 14 of the NPPF, planning permission should be granted without delay.