

HEAL Planning & Developments
Hooper Enterprise Associates Limited
11 St Marys Place,
Shrewsbury,
Shropshire, SY1 1DZ

appeal.processing@healplanning.co.uk
T: 01743 369 911

HEAL
PLANNING & DEVELOPMENTS

Planning Design and Access Statement

Application Description: Change of use from dwellinghouse (C3) to Children's Home (C2)

Applicant: Victoria Saitoria Mcharo

Site Address: 38 Woodwaye, Woodley, Wokingham, RG5 3HB

Produced by

Kirstie Edwards MRTPI

Senior Consultant and Chartered Town Planner



Site Background:

The application is being submitted following the refusal of a Lawful Development Certificate for the use of a single-family dwelling (C3) to a children's care home (C2). The LDC was refused on the 12th December 2024 for the following reason:

"The proposed use of the existing dwelling as a residential care home for up to 2 children constitutes development requiring planning permission as it would result in a material change of use from Use Class C3 to C2. The description provided in the Planning Statement falls squarely within a C2 Use Class. The use as described would not form a single householder and therefore would be a C2 Use Class. This conclusion is supported by case law. The proposed use would result in a material change to the character of the use of the site. C2 and C3 uses draw upon different planning policies; strategic assessments and can attract different material weight: they are materially different uses with different material planning consequences. The certificate is therefore recommended for refusal"

This application is therefore being submitted in 'FUL' form, for the change of use of the property.

Application Proposal:

The property is a single storey detached dwelling comprising two bedrooms at ground floor and one bedroom within the loft space within a predominantly residential area of Reading.

The proposal is to provide accommodation for up to 2 children between the ages of 9 and 18 with a maximum of 4 visiting support workers.

The aim of the proposal is to enable looked after children to build a life outside of the care system. The home will provide holistic care, psychological support and personal growth opportunities within a family home environment where children who have faced trauma can feel safe.

As well as providing normal day-to-day care, the children will be guided in how to cope with their thoughts and feelings to enable them to thrive and succeed as adults. The accommodation provides opportunities for group activities as well as one-to-one time with keyworkers and time alone to reflect where necessary.

There will be a maximum of 4 staff covering each 24-hour shift. No staff will live on site permanently as their main residence but will come and go depending on their shifts to ensure that there is always at least 2 adult members of staff on site at all times, increasing as and where necessary to a maximum of 4. This means that at any one time there will only ever be a maximum of 6 people residing in the property, with 4 occupants being on site the majority of the time.

The aim of such accommodation is to mirror a functional family household by structuring the home with routines in place to ensure consistency and familiarity for the children.

Due to the number of children and care givers living in the property, its use would be no different to that of a single family dwelling. Each child will be assessed before placement to ensure that the home is suitable and can meet their individual needs with all care givers fully qualified and trained to deal with any issues that may arise. There will be no additional noise

created as a result of the proposal and parking requirements will be no different to those of a single-family dwelling.

There are no internal or external alterations proposed to the building and therefore no impact on the street scene or on the character and appearance of the area.

Local Planning Policy Context:

The relevant parts from the Council's Local Plan with commentaries under each are set out below:

In line with paragraph 11 of the NPPF, the most important policies for determining the appeal need to be identified. It is clear from the judgement *Wavendon Properties Ltd v SoSoHCLG & Milton Keynes Council* [2019] EWHC 1424 (Admin), that the collection of most important policies should be considered in the round.

Most important policies should only be those that govern the development proposed in a particular area. More generic policies that can apply to multiple types of development should not logically be considered as 'most' important policies. This approach is adopted in the below assessment of the relevant policies and the proposal's compliance in this regard.

Policy CC02 of the MDD sets out the development limits for each settlement as defined on the policies map. Policy CP9 sets out that development proposals located within development limits will be acceptable in principle, taking into consideration the service provisions available. The site is within Woodley, a principal settlement in Wokingham, and the proposed C2 use would host up to two children with no increase in habitable rooms on site, and therefore commensurate with a normal 3-bedroom family dwelling. This would be compliant with the

requirements set out in policy CP9 and therefore the proposal is considered to be acceptable in principle.

Policy CP3 of the Core Strategy states that planning permission will be granted for proposals that are appropriate, assessing them in relation to their impact on, including but not limited to, scale, mass, activity and character of the area.

The proposal does not result in a net loss of dwellings or other similar accommodation as despite being in a different use class, the physical use remains residential in nature and will reflect the character of the area and the surrounding uses. There are no physical alterations proposed to the dwelling and therefore in terms of mass, scale and impact on the street scene it is considered to comply with Policy CP3.

Policy CP2 of the Core Strategy confirms that planning permission will be granted for proposals that assist in meeting the needs of children, young people and families, including co-ordination of services to meet their needs. Clearly, given the nature of this proposal, providing accommodation for vulnerable children in a family home environment, it is consistent with the aims of this policy.

In addition to this, Policy TB09 of the MDD Local Plan acknowledges the need to support proposals that provide accommodation to meet the needs of vulnerable adults, children and young adults leaving care over a lifetime. There this is considered a significant material consideration in the determination of this application.

Given the above, it is clear that this proposal complies with the principles and aims of policies CP2 and TB09, providing accommodation for children who require a supported living facility

that provides training or education to develop the necessary life skills within a normal family environment. The proposed facility would meet this need.

Character of the Area:

Policy CP3 of the Core Strategy aims to ensure that proposals granted planning permission are;

- of an appropriate scale of activity, mass, layout, built form, height, materials and character to the area along with a high quality of design without detriment to the amenities of adjoining land users including open spaces or occupiers and their quality of life; and
- maintains or enhances the ability of the site to support fauna and flora including protected species.

R1 of the Borough Design Guide SPD requires that development contributes positively towards the historic or underlying character and quality of the local area.

The proposal is for a change of use from a single dwellinghouse (C3) to a residential children's home (C2), which would not involve any external alterations to the appearance of the building, therefore there would be no visual changes to the site. The existing property is part of the existing built form of the local area and reflects the single storey height (loft included) of the other properties in this location.

The use would remain residential with the only difference between the use as proposed and a single-family dwelling being the relationship of the people living there. This is not considered to result in a significant change to the character of the site, if any at all.

It is therefore considered that the proposal would bring the site into a community use which would not only enhance the appearance of the site – which is currently vacant – but would also fulfil the need of such housing, in accordance with the NPPF, policies CP1 and CP3 of the Core Strategy and the principles contained within the Borough Design Guide.

Neighbouring Amenity:

Policy CP3 of the Core Strategy aims to protect neighbouring amenities. Given that there are no proposed alterations to the property, it follows that there can be no harm resulting from the proposal in relation to overbearing, loss of privacy or loss of light.

Noise and Disturbance:

The scheme as proposed does not result in occupancy levels over and above that of an average 2.4 children family home and would remain comparative to its current lawful use as a single-family dwelling with both internal and external areas being used in exactly the same manner. Any noise created by vehicles entering and exiting the site would be minimal and commensurate with its existing use and parking will remain limited to the front of the site.

Highway Access and Parking Provision:

Policy CP6 of the Core Strategy aims to manage travel demand, promote sustainable transport and ensure appropriate parking provision to minimise impacts on traffic and highway safety.

In addition to this, Policy CC07 and Appendix 2 of the MDD Local Plan set out the minimum parking requirements for development proposals. Policy CP9 states that the scale of development must reflect the existing and proposed levels of facilities, services and accessibility at or in the location.

The site benefits from an existing vehicular access from Woodwaye, which is accessible by all modes of transport.

There is space at the front of the property to park 4 vehicles and a single garage which can accommodate one vehicle. No changes are proposed to this arrangement.

WBC Parking Standards for C2 use residential care homes require 1 space per full-time equivalent staff member and 1 visitor space per 3 residents. Visits from family members and any other visiting professionals (i.e., social workers) would only be occasional and not on a daily basis and the site can accommodate parking for these individuals as and when they visit.

Given that the maximum number of vehicles at the property at any one time will be 4, this is considered to be acceptable.

In addition, it should be noted that due to the nature of the residential use being supported living accommodation for children aged 9-18 it is highly unlikely that the future occupiers of the dwelling will drive or indeed own their own vehicles, therefore the available parking spaces on site would be used either by visitors to the site or by support staff. As such, the proposed level of parking is considered acceptable and in accordance with the Council's Parking Standards.

National Planning Policy Framework 2024:

There is a presumption in favour of sustainable development at the heart of the planning system, which should be central to the approach taken to both plan-making and decision-taking. Local planning authorities should plan positively for new development and approve all individual proposals wherever possible.

Para 2 states that Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements. This is confirmation that the NPPF is a material planning consideration. Whilst local planning policies should present weight to the proposal, the NPPF presents sufficient grounds to accept this appeal, in particular, the references made within the NPPF to achieving sustainable development and “meeting the needs of the present without compromising the ability of future generations to meet their own needs”.

Para 3 states that the Framework should be read as a whole (including its footnotes and annexes). General references to planning policies in the Framework should be applied in a way that is appropriate to the type of plan being produced, taking into account policy on plan-making in chapter 3. This demonstrates how the NPPF must be considered as a whole and equally by implication the same should apply to the application of individual policies contained within the LDP.

The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.

Paragraph 96 of the NPPF states that decisions should aim to achieve healthy, inclusive and safe places that promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other, are safe and accessible, and enable and support healthy lifestyles. This proposal to provide supported living accommodation for vulnerable children clearly aligns with this aim.

Paragraph 8 which set out the three dimensions to sustainable development and states: 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):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure; The very fact of the development costs associated with housing development is sufficient to meet the economic objective test under the sustainability principle. **This proposal will create**

employment for support workers which in turn contributes to the local economy. It is also providing a much-needed facility at private expense where the public purse is stretched and thereby taking the burden off the council in providing such accommodation alleviating financial and resource pressure from the public sector.

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; **This proposed development will meet the needs of the children who will reside there, significantly improving their quality of life and enabling them to gain life skills in a family home environment. It causes no material harm to the neighbouring properties and does not compromise the ability of future generations to meet their needs.**

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. **This proposal is making effective use of land, utilising an existing property where the proposal does not result in any harm to the character and appearance of the area or the amenities of the neighbouring occupants.**

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:

- a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The proposal accords with the Council's LDP, providing a supported living facility where there is a need, this is therefore a sustainable development and a presumption of allowing the development applies.

Paragraph 38 relates to decision-making of Local Planning Authorities and all other levels. It states that decision-takers at every level should seek to approve applications for sustainable development where possible.

Paragraph 55-56 state that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable precise and reasonable in all other aspects. The Applicant would accept the necessary conditions to render the proposal acceptable.

Conclusions:

The change of use class from C3 to C2 is not considered to result in a 'material change of use' due to the fact that the property will remain residential in nature and the number of occupants residing there will be no greater than if it were a single-family dwelling.

There are no internal or external alterations proposed and therefore in terms of suitability in relation to the character and appearance of the area the proposal is considered acceptable.

It has been demonstrated that the use as a C2 children's care home is policy compliant both in national and local policy requirements and it is therefore considered that there is no harm in approving this application.

Recommendation:

The Planning Authority is respectfully requested to approve this application.

Hooper Enterprise Associates Limited
11 St. Mary's Place
Shrewsbury
SY1 1DZ