

DMC	APPLICATION FOR PLANNING PERMISSION
Application No:	23NP0107
Proposed Development	Change of Use of Residential Dwelling (Use Class C3) to Children's Home (Use Class C2) at Burnhead, Haltwhistle, Northumberland, NE49 9PJ
Applicant Name	A Wilderness Way Ltd
Reason for DMC Decision	Called-in by DMC member.
Recommendation	Grant planning permission subject to conditions and informatives.

1. Introduction

- 1.1 An application for planning permission has been made for the change of use of the dwelling known as Burnhead from a C3 dwellinghouse to a C2 children's home. Use class C2, *residential institutions*, encompasses the provision of residential accommodation and care to people in need of care (other than a use within C3 *dwellinghouses*).
- 1.2 The application documents submitted confirm the C2 children's home would be the primary residence of one child, accompanied by two trained staff members living at the home on a 'two days on, four days off' rota basis. Staff changeover times would occur during the day and not during unsociable hours.
- 1.3 The applicant is A Wilderness Way Ltd who are providers of residential care for children who have suffered trauma and exploitation. The provider states that they use holistic care programmes to help children to recover and prepare for a positive future.
- 1.4 No external changes or alterations are proposed to the existing building or its grounds.
- 1.5 The site is an existing residential dwelling known as Burnhead (see figure 1) located approximately 4km to the north of Haltwhistle and its services.



Figure 1 Photograph of Burnhead (SW elevation)

- 1.6 The dwelling is a detached two storey building with four bedrooms. The building was formerly used as bed and breakfast accommodation, although this use has ceased, and it is now a dwellinghouse.
- 1.7 The site is accessible from an unclassified road via a private access which is in good condition. The site is adjoined by grazing land and public rights of way to the south of the site which are outside of the site boundary. The site is near Caw Burn but at the lowest risk of surface water flooding (within flood zone 1) and located near to Cawfields picnic site and its visitor facilities.
- 1.8 The building is not a listed building. However, the site is located within an area designated as a scheduled ancient monument (Great Chesters Roman fort and Hadrian's Wall between the Caw Burn and the track to Cockmount Hill farm in wall miles 42 and 43) and within the Hadrian's Wall Unesco World Heritage Site.



Figure 2: Site location outlined in red

2. Planning Policy & Guidance

2.1 National Policies

- National Planning Policy Framework (NPPF) December 2023
- National Planning Practice Guidance

2.2 Local Policies

Northumberland National Park Local Plan

- Policy ST1 Sustainable Development
- Policy ST2 General Development Principles
- Policy ST4 Spatial Strategy
- Policy DM6 Conversion of Buildings
- Policy DM9 Transport and Accessibility
- Policy DM10 Habitats, Biodiversity and Geodiversity
- Policy DM11 Landscape, Tranquillity and Dark Night Skies
- Policy DM14 Historic Landscape Assets and Built Heritage
- Policy DM15 Archaeological Heritage

2.3 Supplementary Planning Guidance

- NNPA Building Design Guide Supplementary Planning Document (Design Guide SPD)
- NNPA Landscape Supplementary Planning Document (Landscape SPD)

3. Relevant Planning History

3.1 The following planning application is the only known planning history at the site:

- **88NP0031** – Householder alterations and extensions granted conditional planning permission in May 1988.

4. Consultee Responses

Greenhead Parish Council – No objection.

NCC Environmental Protection – No comments.

NCC Highways – Principle of development is acceptable subject to the use of conditions regarding the implementation of vehicle parking and to control the use of the development and informatives around the obstruction of the public highway.

Historic England – No advice offered, except a request that an advisory note is attached to any permission granted to remind the applicant of the need for scheduled monument consent for any future works.

NNPA Historic Environment Officer – No comments received.

Public Responses

- 4.1 The application has been advertised by a planning site notice displayed near to the site on 8 November 2023.
- 4.2 Two responses in objection to the scheme have been received by members of the public. The objections raise the following comments which have been summarised:
 - Concerns to the safety of a resident child and the public:

- Site location next to working livestock farm which would not be suitable for a vulnerable child with a range of social and behavioural difficulties
- No free access to surrounding farmland other than on public rights of way and insufficient outdoor activities for the child more generally
- No risk assessment submitted in support of the application
- Property boundaries are insufficient to prevent a child from leaving the property
- Busy tourist and walking area with public access next to the property boundary, associated lack of privacy and risk of tourists accidentally entering property.
- Risks to a child from traffic and visitors
- No external lighting proposals could negatively harm International Dark Sky Park

5. Assessment

5.1 Introduction

The key material planning considerations are:

- Principle of the development
- Residential amenity
- Impact upon National Park Special Qualities
 - Landscape
 - Biodiversity
 - Cultural Heritage
 - Tranquillity
- Highways

Principle of the development

Material change of use

- 5.2 The planning application is for a change of use. Within the submitted planning statement, the agent has highlighted that relevant case law (Judgement of Mr. Justice Collins in *North Devon District Council v First Secretary of State* [2003]) establishes that if carers work on a rota basis at a separate residence to their permanent residence, the use of the building must be regarded as a C2 use. This is because without at least one adult living with the children permanently at the premises the arrangement would not be regarded in its truest sense as a 'household.'
- 5.3 A change of use is considered development, and requires planning permission, where the change would be material. Case law sets out that it is a matter of 'fact and degree' whether the change of use between C3 and C2 is a material change of use.

- 5.4 With the application in mind, the building would operate as a residential institution and not as a household. Staff would attend the child on a rota basis, and the care offered would not be permanent within the household. Given that the home would be operated without it functioning as a household, and rather like an institution, it is found that the change of use would be material. Therefore, planning permission would be required.

Sustainable development

- 5.5 The NPPF, in chapter 5, sets out how a sufficient supply of homes should be delivered. Paragraph 60 states that, to meet the government's objective to boost housing supply, it is important 'that the needs of groups with specific housing requirements are addressed'. Moreover, paragraph 63 emphasises that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.
- 5.6 Additionally, paragraph 96 requires planning decisions to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible, and enable and support healthy lifestyles.
- 5.7 Local Plan policy ST1 concerning sustainable development requires proposals to achieve high quality places to live and work which includes supporting the use of services and facilities (including the housing stock) and prioritising the use of previously developed land and buildings.
- 5.8 Local Plan policy ST4 sets out the spatial strategy and highlights that development is only permitted in Open Countryside locations where essential social or community needs are met and where it can be demonstrated that there are no other suitable and available locations within Named Settlements.
- 5.9 Local Plan policy DM6 concerns building conversions and highlights that proposals for the conversion of buildings in the Open Countryside will be permitted where, among other criteria, the building can be converted without the need for significant alterations and where the building makes a positive contribution to special qualities.
- 5.10 Finally, in May 2023 a written ministerial statement (which is a material planning consideration) was published regarding planning for accommodation for looked after children. The statement said:

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

- 5.11 In light of the above policy framework, the development proposed would represent the conversion of a building to provide accommodation for a group with a specific housing requirement. This accords with the NPPF requirement to cater for diverse housing needs. While development is usually directed to Named Settlements, this scheme would convert an attractive and existing building. It is acknowledged that the submitted planning statement sets out a case for the local need of the development.
- 5.12 The proposal would contribute to the provision in the National Park of a diverse range of housing tenure. This would comply with the NPPF, the written ministerial statement and Local Plan policy ST1.

- 5.13 In practice the change of use of the building, from that of a residential dwelling, would not result in any external alterations and therefore the scheme would comply with policy DM6.
- Public concerns about the suitability of the site*
- 5.14 Representations were raised by members of the public about the safety of a resident child at the site, and the public security of the scheme more generally.
- 5.15 Concerns about the safety and security of a resident child are noted and would be the responsibility of the child's legal guardian. The main house at the site is in use as a dwellinghouse and therefore could currently be occupied by children under the care of their own parents or guardians. The operator of the home, A Wilderness Way Ltd, is understood to be an experienced provider of children's homes. There is no evidence to suggest that the carer would represent the children other than in their best interests. It is considered that there would not be an increased risk to the safety or security of a resident child due to the 24 hour care offered by the provider on a rota basis.
- 5.16 Similarly, it is noted that the boundaries to the site are of a more open nature. However, matters relating to trespass are to be dealt with by the landowners and individuals concerned and would not represent a material planning consideration.
- 5.17 Whether the child would benefit from sufficient outdoor activities is a matter for the operators of the children's home and not that of the planning authority. However, it is noted that the site is located in a focus area for tourism in the National Park, adjacent to public footpaths and Cawfields country park and picnic site.

Summary

- 5.18 In light of the above assessment, the scheme would provide accommodation for a group with a specific housing need which is supported by the NPPF and the written ministerial statement. Moreover, a need has been identified by the application's agent for such accommodation in this location where the re-use of existing buildings is found acceptable by Local Plan policies ST4 and DM6. It is considered that the scheme would, in principle, comply with Local Plan policy and the NPPF more generally.

Residential amenity

- 5.19 Local Plan policy ST2 requires development to not have an unacceptable adverse impact upon the amenities of adjoining occupiers.
- 5.20 The building is located in the open countryside with no adjoining occupiers. The proposed residential end use of the scheme is unlikely to have a noticeable impact on the amenity of neighbouring occupiers, given their distance from the site. In addition, there is no evidence to suggest that vehicle movements to and from the site would be any different to that of a C3 dwellinghouse. This is because the planning statement writes that changeover times of staff would occur during the day with no travel to or from the house taking place during unsociable hours.
- 5.21 While concerns are noted from nearby residents regarding the public safety of the scheme, it is noted that any resident child would be under the care of two visiting members of trained staff at any one time. There is no evidence to suggest that the public would be at increased risk due to the proposed use of the building.

- 5.22 Similarly, there is no evidence to suggest that extra security arrangements would be required for the care of a child at this location. Such responsibilities should be assessed by the operator of the home or the child's relevant legal guardian. Any new security arrangements, or new boundaries, would be subject to consideration on their own merits as part of a future planning application, but no such development is proposed within this application.
- 5.23 In light of the above assessment, I am satisfied of no arising harm to amenity or public safety in accordance with Local Plan policy ST2.

Impact upon National Park special qualities

Landscape

- 5.24 As discussed within the preceding sections of this report, no external changes are proposed to the building. There would be no visual impact resulting from this development and therefore no resulting harm to surrounding landscape character. With this in mind, I am satisfied of no harm to National Park landscape special quality in accordance with Local Plan policy DM11.

Biodiversity

- 5.25 Local Plan policy DM10 requires development to maintain and, where appropriate, enhance ecological features.
- 5.26 The development comprises a change of use only and, as discussed, no external alterations to the building are proposed by the scheme. Existing biodiversity at the site would therefore be unaffected. It is not considered appropriate to request biodiversity enhancement measures at this site because of the small scale and inobtrusive nature of the proposed scheme.
- 5.27 In light of the above assessment, there would be no resulting harm to biodiversity special quality, and the scheme would accord with Local Plan policy DM10.

Cultural heritage

- 5.28 The site is located within an area designated as a scheduled ancient monument. However, it is noted that no external alterations are proposed by the scheme and therefore no harmful effects would occur on established heritage assets. Historic England have been consulted about the proposals and made no comments. It should be acknowledged that scheduled ancient monument consent would be required prior to the carrying out of any work that would demolish, damage, remove, repair, alter or add to a scheduled monument, or to carry out any flooding or tipping operations on land in, on, or under a monument. Monuments are managed by separate legislation (by the Ancient Monuments and Archaeological Areas Act 1979) and any required consent should be sought from Historic England (on behalf of the Department for Culture Media & Sport).
- 5.29 Subject to the use of an appropriate informative, to remind the applicant of their responsibilities regarding the monument, the development would not result in harm to cultural heritage special quality in accordance with Local Plan policies DM14 and DM15.

Tranquillity

- 5.30 The National Park is renowned for its dark skies which are designated as an International Dark Sky Park. Accordingly, development is required by Local Plan policy DM10 to avoid the

unacceptable adverse impacts of external lighting on dark skies, and the tranquillity they afford.

- 5.31 Therefore, an external lighting condition will be attached to any permission granted to ensure that details of lighting are submitted and they comply with dark skies good practice guidance. No harm to tranquillity special quality is identified in accordance with Local Plan policy DM11.

Highways

- 5.32 In relation to the highways impact of the proposals, officers at NCC highways authority were consulted about the scheme and raised no objection to the proposals.
- 5.33 Access to the site is served from an unclassified road. The access is in a good order that would not require an upgrade prior to first use of the scheme. In terms of the parking requirements, Local Plan policy DM9 sets out that a space each would be required per resident staff and per resident. A plan is provided that shows the provision of four spaces measuring 5m x 2.5 and with space within the curtilage for additional parking and for turning to allow exiting in a forward gear. The existing parking arrangement would allow for up to four staff during changeover plus additional spaces. With this in mind, the proposed existing parking arrangement would be acceptable.
- 5.34 Due to the proposed operations of the residential home, where different staff would travel to the site independently, it is found necessary to attach a planning condition to ensure that the parking at the site is implemented and retained so that vehicles are parked within the curtilage without causing harm to highway safety.
- 5.35 Cycle parking could be made available within existing storage areas at the site and the existing refuse collection arrangements would remain.
- 5.36 In light of the above assessment, it is considered that the scheme would not harm highway safety subject to a relevant parking condition and the scheme would accord with the requirements of Local Plan policy DM9.

Utilities and drainage

- 5.37 Local Plan policy ST2, which concerns general development principles, requires appropriate and proportionate services to meet the needs of the development.
- 5.38 The existing building is a four bedroomed dwellinghouse which benefits from existing heating, power, water supply and drainage arrangements. The conversion of the building would allow for one child resident with two resident carers operating on a short term rota basis.
- 5.39 Existing utilities and drainage arrangements to serve the site would be acceptable for the intended end use of the scheme given the small scale nature of the change of use concerned.
- 5.40 The scheme would be acceptable in relation to Local Plan policy ST2 with regard to the proposed utilities and drainage arrangements.

6. Conclusion

- 6.1 The principle of the change of use to a children's home (*C2 residential institution*) at this location would be acceptable in accordance with national and local planning policy that is supportive of the provision of diverse housing tenure types.
- 6.2 No external alterations are proposed and therefore no other planning considerations would outweigh the principle of development which is acceptable.

7 Recommendation

- 7.1 Grant planning permission subject to the following conditions and informatives:

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To ensure that the development is commenced within a reasonable period of time from the date of this permission, as required by Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Application form received 17 October 2023
- Location Plan received 17 October 2023
- Hedley Planning Services Planning Statement dated October 2023 received 17 October 2023
- Existing Site Plan NB23_28/01A received 6 November 2023
- Proposed Site Plan NB23_28/02A received 6 November 2023
- Existing Elevations & Floor Plans NB23_28/03 received 6 November 2023
- Proposed Elevations & Floor Plans NB23_28/04 received 6 November 2023

Reason: For the avoidance of doubt, to enable the Local Planning Authority to adequately manage the development and to ensure the proposal accords with Northumberland National Park Local Plan policies ST1, ST2, ST4, DM6, DM9, DM10, DM11, DM14, DM15 and the National Planning Policy Framework (NPPF).

3. Prior to the fixing of any external lighting associated with the development, details of the external lighting shall be submitted to and agreed in writing with the Local Planning Authority. Details should include:
 - The specific location of all external lighting units;
 - Design of all lighting units;
 - Details of beam orientation and lux levels; and

- Any proposed measures such as motion sensors and timers that will be used on lighting units.

The approved lighting scheme shall be installed in accordance with the approved details and shall be maintained as such during the operation of the development, unless removed.

Reason: In order to ensure that there is no harmful impact upon the tranquillity and intrinsically dark character of Northumberland National Park and the Northumberland International Dark Sky Park through excessive light pollution, in accordance with Northumberland National Park Local Plan Policies ST2 and DM11 and paragraph 185 of the NPPF.

4. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 and the Town & Country Planning Use Classes Order 1987 as amended (or any order revoking and re-enacting those Orders with or without modification) the premises the subject of this permission shall not be used other than for a C2 children's home use without the prior grant of planning permission from the Local Planning Authority.

Reason: To ensure that the use remains compatible with surrounding land uses in the area and in accordance with Northumberland National Park Local Plan policies ST1, ST2 ST4, DM6, DM9, DM10, DM11, DM14, DM15 and the NPPF.

5. The car parking area as shown on Proposed Site Plan NB23_28/02A received 6 November 2023 shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and policy DM9 of the Northumberland National Park Local Plan.

6. No more than one child shall reside at the C2 children's home hereby approved at any given time unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and highway safety in accordance with Northumberland National Park Local Plan policies ST2 and DM9.

Informative Notes

1. This planning permission is granted in strict accordance with the approved plans. It should be noted however that:
 - (a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, may constitute unauthorised development and may be liable to enforcement action.
 - (b) You, your agent, or any other person responsible for implementing this permission should inform the Local Planning Authority immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new application.

2. This permission is granted subject to conditions, and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. Some conditions may require work to be carried out, or details to be approved prior to the commencement of the development.

Where pre-commencement conditions are not complied with, the whole of the development could be unauthorised, and you may be liable to enforcement action. In some circumstances, the only way to rectify the situation may be through the submission of a new application. If any other type of condition is breached then you may be liable to a breach of condition notice.

3. Scheduled ancient monument consent should be sought from Historic England (on behalf of the Department for Culture Media & Sport) prior to the carrying out of any work that would demolish, damage, remove, repair, alter or add to a scheduled monument, or to carry out any flooding or tipping operations on land in, on, or under a monument.
4. Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the StreetWorks team on 0345 600 6400 for Skips and Containers licences.
5. In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.

Contact Officer: For further information contact: William McKane, Planning Officer on 01434 611552 or William.mckane@nnpa.org.uk