

REPORT FOR WESTERN AREA PLANNING COMMITTEE

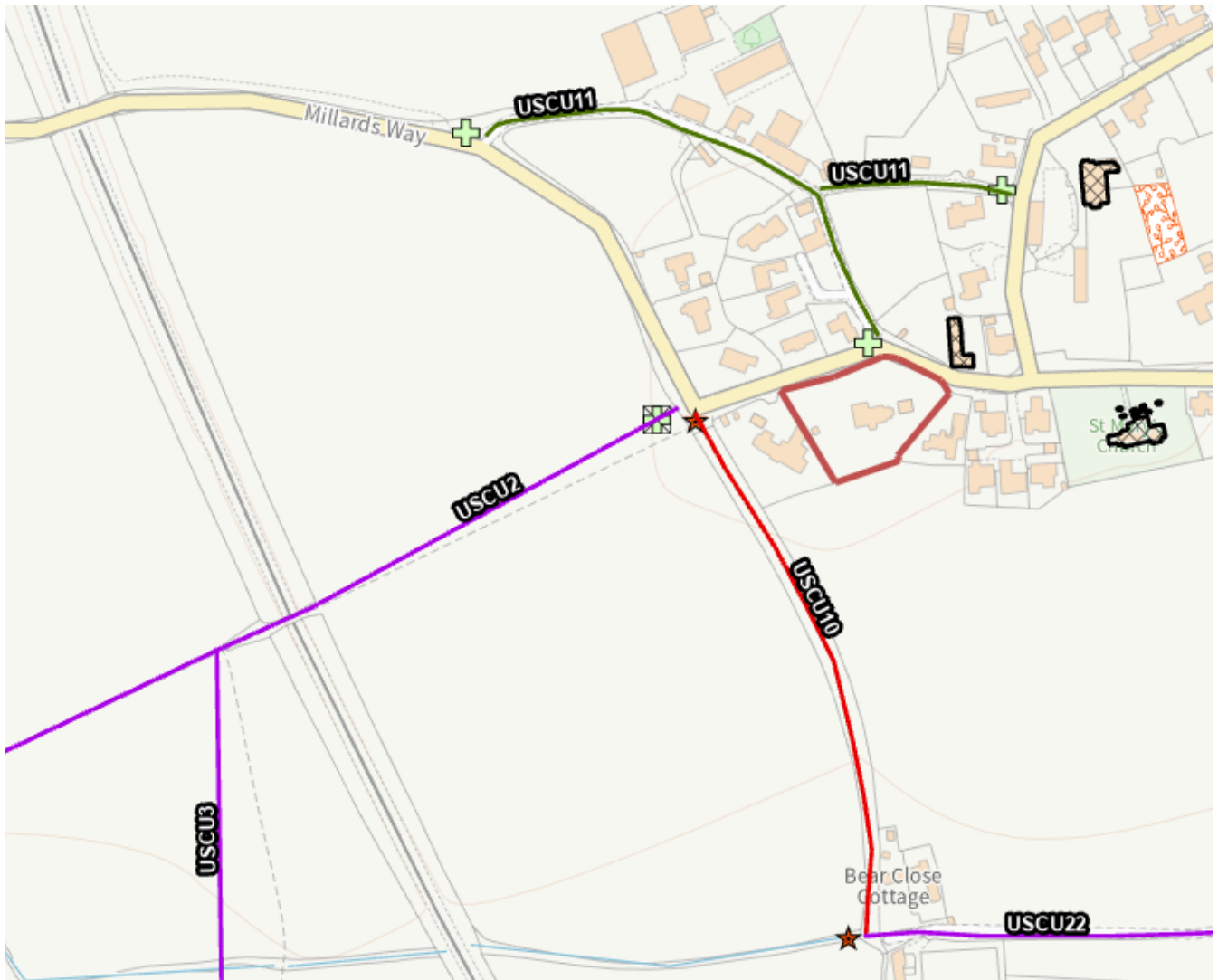
Date of Meeting	9 October 2024
Application Number	PL/2024/00596
Site Address	Temple Farm, Upton Scudamore, Warminster, BA12 0AQ
Proposal	Change of use from a C3 dwelling house to a C2 residential care home
Applicant	New Day Children's Services
Town/Parish Council	UPTON SCUDAMORE PARISH COUNCIL
Electoral Division	Warminster North & Rural - Cllr Bill Parks
Grid Ref	ST863476
Type of application	FULL PLANNING
Case Officer	Verity Giles-Franklin

Reason for the application being considered by Committee: This application has been called in to committee by Cllr Parks on the basis that officers are minded to recommend the application for approval, so that members can consider the relationship of the application site to adjoining properties. Cllr Parks has queried its compliance with WCS Core Policy 46, and questioned whether this type of *“accommodation should be provided in sustainable locations, within the settlements identified in Core Policy 1 where there is good access to services and facilities. Upton Scudamore has none that are accessible from the site or from within the entire village, with no footways, bus services, shops, and community centre”*.

- 1. Purpose of Report:** The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.
- 2. Report Summary:** This report appraises the: principle of the change of use; impact on neighbouring amenity; highway safety; heritage impacts; and ecology matters. A summary of the received consultations responses and third-party representations are provided within sections 8 and 9 of this report.
- 3. Site Description:** The application site known as Temple Farm relates to an existing detached dwelling (a chalet style bungalow) located within a generous plot within Upton Scudamore - which is identified as a small village which does not have a settlement (limits of development) boundary. The existing dwelling benefits from an established vehicular access and on-site car parking provision.

The immediate area is characterised by residential use, with many dwellings in the vicinity of the application site being detached.

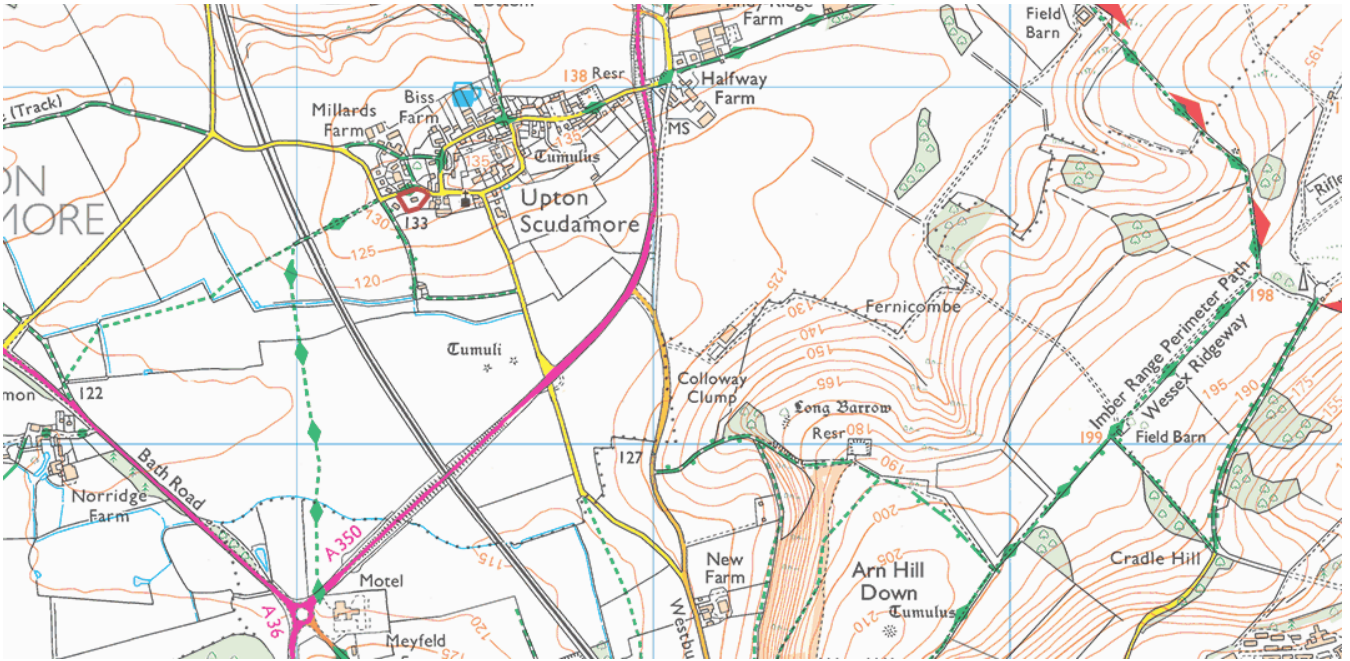
A public right of way (PRoW), a bridleway (reference USCU11) is located opposite the site to the north. Additional PRoWs are found to the west beyond the property known as Cherry Croft, as illustrated on the following page. This change of use application would have no impact on the nearby rights of way.



Extract of the Council's mapping system with the PRowS illustrated by the purple, red and green lines and the listed buildings shown by the black cross-hatching

It is appreciated that some of the submitted representations (as listed and summarised in Section 7 of this committee report) raise concerns over the proximity of the application site to the nearby railway line, the A36 and MOD land. The application site is however located 370 metres from the railway to the west (which can be accessed by the USC02 footpath shown above), 0.5 miles from the A350 to the south, 0.9 miles to the A36 further west, and 1.25 miles (as the crow flies) from the closest parcel of MOD land (on the Salisbury Plain) to the east. It is however important to mention that as an existing dwellinghouse which could be occupied by children, these same risks would exist.

The following OS extract shown on the next page is taken from the Council's mapping system and illustrates the application site's location (outlined in red) and wider context with the railway line to the west, the routing of the two A roads, and the MOD danger zone at Salisbury Plain to the east:



To the north-east of the site is the Grade II listed property known as The Grange (an early 18th century dwelling) with the Grade II* listed Church of St Mary the Virgin located c.100m to the east. The application site is located within the 6.4m buffer zone for the Salisbury Plain Special Protection Area (SPA) for stone curlews, and the 4km core roost buffer zone associated with Greater Horseshoe bats and within the Hampshire River Avon Catchment.

4. Relevant Planning History: The following applications are of relevance to this application:

W/09/02604/FUL - Erection of sunroom – Approved with conditions

W/08/00680/FUL - Erection of conservatory - Approved with conditions

PL/2024/05258 – Lawful Development Certificate for the proposed use of the dwelling as a children’s home for up to 4 children with three staff present in the day and 2 overnight – Refused

5. The Proposal: This application seeks planning permission for the change of use of an existing detached dwelling (known as Temple Farm) to a C2 (residential institution). This application does not seek to make any alterations to the external appearance of the dwelling and is therefore solely seeking a change of use of the existing dwelling (from C3 to C2).

The proposal seeks to provide accommodation for up to 4 children/young adults with three members of staff being present during the day and 2 staff sleeping at the property overnight. The supporting statement provided by the applicant dated 7 March 2024 indicates that those occupying the home would be of the ages between “7 to 18 years old, of any gender. Our intention is to provide a long-term stable home for young people who have not had one, this may be because they have previously experienced trauma or abuse. We hope that young people are with us for long periods of time until independence, however there are reasons that

they may move on from us early including, stepping down to foster care, moving back to live in a family home or that the home is not right for the child".

The application includes the proposed altering of the existing driveway (measuring 28m²) to provide turning and manoeuvring space on site for motor vehicles. An extract of the submitted Proposed Driveway Widening plan (drawing no. SK02 Rev A) is reproduced below which shows the extension of the existing on-site access to be surfaced in shingle/gravel, which itself does not require planning permission, but it is included within the application to show on-site works to improve the on-site car parking arrangements. Planning permission would however be required for the driveway works if it was to be completed in an impermeable hard surface, exceeding five square metres.

An extract of the proposed extension to the existing car parking arrangement is provided below:



The applicant's statement also sets out the following in terms of how the home would operate:

"2 staff members who will work in the home on a rolling shift pattern, they will sleep in at the home also. A third staff member will work during the day only at the home but will not stay overnight. We will be running a 24-hour shift pattern this provides stability for the young people, minimal amount of changeover and disruption and provides consistency and continuity".

The applicant intends to have a team of 8 full time team members who would work on a rolling shift rota.

6. Planning Policy

National Context: National Planning Policy Framework (NPPF); Planning Practice Guidance (PPG); Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Local Context: The adopted Wiltshire Core Strategy (WCS) 2015, namely core policies (CP): CP1 - Settlement Strategy; CP2 - Delivery Strategy; CP31 - Spatial Strategy for the Warminster Community Area; CP46 - Meeting the Needs of Wiltshire's Vulnerable and Older People; CP50 - Biodiversity and Geodiversity; CP57 - Ensuring High Quality Design and Place Shaping; CP58 - Ensuring the Conservation of the Historic Environment; CP61 - Transport and New Development; CP64 - Demand Management; CP69 - Protection of the River Avon SAC

Also of relevance: Wiltshire Design Guide, adopted March 2024; Wiltshire Local Transport Plan 2011- 2026; saved policy U1a Foul Water Disposal of the West Wiltshire District Plan 1st Alteration 2004.

7. Summary of Consultation Responses

It should be noted that the original planning application submission was supported by only very limited detail regarding the intended use of the dwelling as a children's home and therefore additional information was requested from the applicant during the application process. This additional information was subject to a fresh consultation exercise and the following comments reflect those consultations.

Upton Scudamore Parish Council: Objects for the following reasons:

Upton Scudamore Parish Council wishes its original objection to remain on record. The applicants have provided further information in support of their application, and we wish to respond to these.

There is considerable emphasis on the need for accommodation for looked after children in Wiltshire but there is also a clearly stated requirement in Core Policy 46 that such accommodation should normally be provided within Principal Settlements or Market Towns with good access to services and facilities. Even in exceptional circumstances, it does require that any location should respect the character of the settlement.

As Upton Scudamore has a very large proportion of elderly and retired residents and very few young people, we would suggest this location does not respect the character of the village. A survey carried out by a village resident found only 9 houses with children, some of whom are pre-school age while over 50% of the houses are occupied by retired people.

In addition, we feel that placing vulnerable young people in such an isolating situation will not meet their needs as the applicants themselves state that "there are no locations in the village where groups of young people may choose to meet".

The applicants may intend to encourage these young people to be part of the community but there is no indication of any proposals regarding how this will be achieved. The Parish Council had hoped that the applicants might choose to attend one of the meetings where their application was being discussed to clarify their plans, but this opportunity has not been taken up.

We are still concerned about the proposed residents' safety given the opportunity for self-harm provided by the proximity of the location to the railway, the two main roads and the flyover. We also feel that while the applicants suggest that difficulty in accessing rail travel may be an advantage, Upton Scudamore has direct access to buses travelling to Salisbury in one direction and to Trowbridge and Bath in the other.

Our concerns regarding the increase in traffic remain as with shift patterns requiring a number of changeovers during the day, there will inevitably be congestion in the area of the residence as well as a significant increase in traffic as care givers arrive and depart with noise and disruption to neighbours, possibly at unsocial hours.

As stated in our previous objection, our main concern is the welfare of the young people who will be placed in this home. They will be isolated from families and friends and making new friendships will be difficult given the lack of young people in the village and difficulties maintaining contact with other young people out of school hours. They will effectively be in "lockdown" for much of their time.

The logistics of living in a village with no facilities make encouraging the residents of the home to develop independence and good social relationships extremely difficult and would not help these young people acquire the skills needed to allow them to go on to successfully live independently within the wider community.

The Parish Council have held two extra meetings regarding this application with a total of 31 residents in attendance, we were disappointed the applicants did not attend either meeting. We would also like to highlight the number of objections raised given the size of the village community. While there are clearly concerns regarding the impact on the existing residents, the emphasis is on the detrimental effect the isolation and lack of facilities will have on these young people.

The Parish Council have requested Cllr Parks to call the application into planning committee if it is likely to be approved by the planning officer.

Wiltshire Council Families & Children Commissioning: No objections

Wiltshire Council Highways: No objection subject to a planning condition requiring the access, turning area and car parking spaces to be completed prior to occupation.

Wiltshire Council Public Protection: No objections

8. Publicity

Third-Party Representations: A total of 50 representations have been received, including one petition, raising the following summarised concerns:

- The proposed use would impact the tranquilly of the village
- Unsuitable, unsustainable and isolated location of the proposed use
- Concern over the contents of the applicant's Location Risk Assessment and the robustness of the assessment
- Application site being close to A roads, railway line and MOD land
- Lack of evidence for why a children's home is needed in this location
- Lack of infrastructure to support the needs of the home
- Lack of facilities in Upton Scudamore including no playground
- Loss of a dwelling through the conversion of the existing bungalow into a business use
- Proposed use is incongruous as there are no other commercial premises in village
- Increase in noise and nuisance
- Increase in traffic and vehicles arriving and leaving the site
- Lack of regular and accessible transport links
- Lack of pedestrian access to Warminster
- Reliance on private vehicles
- Lack of manoeuvring and turning space on-site
- Lack of on-site car parking space
- Safety concerns relating to the existing access serving Temple Farm
- Closest hospitals are 40 mins away
- Cars parking on the public highway
- Existing access is constrained
- New gate has been added to the entrance of the site
- Lack of pavement/unsafe pedestrian access
- Possible contamination from ex-farming use
- Outside play equipment would likely be required at Temple Farm
- Safety and welfare of the children in the home
- Population of the village are predominantly retirement age/has an older population
- The number of children in the village has fallen
- Disruption to existing residents
- Covenant on the dwelling preventing it being used for anything other than a single private dwelling
- How would problems/complaints be raised if planning permission is granted
- Constant changeover of staff disruptive to children and neighbours
- Temple Farm is already being advertised as a business and is recruiting for staff in the absence of planning permission

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications

must be made in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the Wiltshire Core Strategy, including the relevant policies from the West Wiltshire District Plan that continue to be saved in the WCS, form the relevant development plan for the area.

9.1 Principle of the Development:

9.1.1 In terms of assessing the principle of the proposed change of use, Core Policy 46 of the adopted Wiltshire Core Strategy is of most relevance to this particular case. This policy relates to meeting the needs of Wiltshire's vulnerable and older population and seeks to ensure that there is adequate provision of such specialist accommodation within the county.

9.1.2 The policy supports the provision of sufficient new accommodation and homes for Wiltshire's older population and vulnerable residents, including young people at risk. The policy supports the provision of homes and accommodation for vulnerable people including, but not limited to, the following:

Provision of homes and accommodation for vulnerable people will be supported, including but not limited to:

- iv. people with learning disabilities
- v. people with mental health issues
- vi. homeless people and rough sleepers
- vii. young at risk and care leavers.

9.1.3 The Policy leads on to state that "*such accommodation should be provided in sustainable locations, where there is an identified need, within settlements identified in Core Policy 1 (normally in the Principal Settlements and Market Towns) where there is good access to services and facilities*".

9.1.4 The Policy clearly does not restrict such accommodation to only principal settlements and Market Towns, with the use of the word 'normally' being applicable. It is fully appreciated that the subject property is located within the small village of Upton Scudamore, and the application seeks to change the use of an existing dwelling to a children's home, with the property changing from Class C3(a) (a single person or by people to be regarded as forming a single household) to a Class C2 (provision of residential accommodation and care to people in need of care) use (as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended)).

9.1.5 The policy text for CP46 leads on to state that in "*exceptional circumstances, the*

provision of specialist accommodation outside but adjacent to the Principal Settlements and Market Towns will be considered, provided that the following criteria can be met:

viii. a genuine, and evidenced, need is justified

ix. environmental and landscape considerations will not be compromised

x. facilities and services are accessible from the site

xi. its scale and type is appropriate to the nature of the settlement and will respect the character and setting of that settlement.

Officers fully appreciate that the subject property is not located adjacent to a principal settlement or market town but have nevertheless considered each of the above criteria in turn below.

9.1.6 WCS CP46 criterion viii sets out that proposals such as the one listed under this application requires a genuine, and evidenced, need: The Council's Families & Children Commissioning team were consulted and they have confirmed that there is a genuine need in the County, with this need being high, reporting that there *"are currently 40 children and young people living in residential children's homes, of which 14 are out of the County"*.

9.1.7 Wiltshire Council is part of central government's 'Staying Close' scheme, whereby local authorities bid to apply for grant funding to deliver a Staying Close 'offer' in the County. Wiltshire Council has successfully bid for and has been allocated funding to deliver such a program, which provides an enhanced support package for young people leaving residential children's homes, to support them to remain and return to Wiltshire. The county currently has about 15 children and young people in this project, with the aspiration of bringing them back to Wiltshire.

9.1.8 The Council's Families & Children Commissioning team have offered the following additional comments:

"Wiltshire local authority has a statutory duty to provide suitable accommodation for children looked after. The Children's Act 1989 states: a range of placement options should be considered and Section 22A imposes a duty on the responsible authority when a child is in their care to provide the child with accommodation.

We currently have a higher proportion of children living in residential out of the County, and we know the outcomes for those children are best met in their community where they will have consistency in regulated services and promote links to family".

9.1.9 The consultation response continues through providing comments on the location of the proposed children's home under this application:

"We have reviewed the Location Risk Assessment for Upton Scudamore [produced by the applicants for Ofsted purposes, and a copy of which is provided in Appendix A] and find it a suitable location. Due to the risks young people face within urban areas, we need homes in rural locations to be able to meet their needs. Upton Scudamore has very low crime rates and

significantly lower the national averages as detailed on the Location Risk Assessment, making it an ideal location for vulnerable young people and those with additional needs. There are strong links to local services, supporting young people to be safe in their community.

Being close to Westbury, Frome and Warminster, there are wider opportunities for the young people for education and recruitment. Local SEND post-16 College (Fairfield Farm) may be a good provision for young people for preparation for adulthood and independent living.

Residential homes should look and be located in the same area as any other family home. They should not look institutionalised and looked after young people should be able to contribute towards their community in the same way other children do”.

9.1.10 As detailed above, local authorities have a responsibility to provide suitable homes for children and currently there is shortage of homes within Wiltshire to provide the necessary accommodation for children.

9.1.11 The Council’s Families & Children Commissioning team submit there is a genuine need in the county for providing this type of accommodation for children in need.

9.1.12 The applicant asserts that this location would be ideal for their requirements as a children’s home with tangible benefits comprising the detached house occupying a generous plot with a large garden, with a 19.5m separation between the closest part of the host property to the boundary shared with Swallows Lea to the east and a 25m separation distance between the western elevation of Temple Farm to the neighbouring property (Cherry Croft) to the west.



Site photos taken from the rear of the Temple Farm – left image facing towards the eastern boundary and the right image facing towards the western boundary

9.1.13 Furthermore, the existing dwelling has a sufficient number of communal rooms with each child having their own bedroom, with additional rooms being available for staff to sleep in overnight.

9.1.14 In addition to the above, this rural location away from a town is viewed as a positive by the applicants, as the children they are seeking to house would have a history of trauma or abuse whereby a rural setting is considered best for each child. The applicants have also stipulated that they would not be taking on young people who have “*significant learning*

disability, significant physical disability or mental health diagnosis” so Temple Farm’s location is considered to reduce some risks *“including exploitation, gang affiliation, anti-social behaviour”*, unfiltered internet, access to illegal substances and direct train routes.

9.1.15 Officers understand that the applicants are experienced in working with vulnerable young people and have both previously worked in children’s homes and are seeking to operate the proposed children’s home at Temple Farm as close to a nuclear family home as possible.

9.1.16 The concerns raised by third parties about the site proximity to A roads, a railway line and MOD controlled land are duly noted, however these exist for thousands of families across Wiltshire and officers do not consider this to be a compelling reason to reject the application. For example, the Salisbury Plain Training Area (SPTA) is the country’s largest military training area, covering 11% of Wiltshire¹.

9.1.17 The Registered Manager and staff of the proposed children’s home would have a duty of care, and officers note the applicants commitment to provide a long-term, safe home for children which would operate as much as possible as a ‘normal’ family home. Staff would be present on a 24/7 basis and the applicants have argued the following within their March 2024 statement:

“The home will ensure that there is an up-to-date location risk assessment, this risk assesses the property and the local area, ensuring that the team are well aware of any risks and action taken to mitigate these risks. Prior to any young person moving into the home a full assessment of need is completed and we review these needs in relation to the location and the home.”

9.1.18 It is also important to record that the Council’s Families and Children’s Commissioning department complete due diligence with all new providers and as part of this process a copy of the homes’ location risk assessment is requested, in accordance with Regulation 46 of the Children’s Homes Regulations 2015, which places a statutory requirement on children’s homes to review the suitability of their location on an annual basis.

9.1.19 The applicants have made it very clear before any children are homed at Temple Farm, they would be screened first to ensure that they would be suitable for the property and its location and would not be taking on young people with complex learning or physical disabilities, or mental health diagnosis. The fact that the application site is located in a village setting is seen as a positive and would be more beneficial for the intended young persons’ support and wellbeing, compared to a more urban town setting.

9.1.20 The Council’s Families and Children’s Commissioning team consider the location of Temple Farm to be a safe place for children to live, and it would be for Ofsted to carry out their own assessment on the suitability of the site as part of the registration process. Officers argue that it is not for the planning regime to get involved in such detailed site suitability matters when there exists separate legislation and registration checks undertaken by specialists. Whilst

¹ [Salisbury Plain Training Area – Inside DIO \(blog.gov.uk\)](https://blog.gov.uk/salisbury-plain-training-area-inside-dio/)

officers understand the third-party concerns, however the needs and best interests of children that are from a rural setting or would benefit most from a rural setting does appear to be a very robust material consideration.

9.1.21 Adopted WCS CP46 does include provision for specialist accommodation outside of principal settlements and market towns and under criterion ix, the policy requires qualifying development to ensure *environmental and landscape considerations [are not] compromised*. This application does not propose any external alterations to the property apart from a minor alteration to the existing driveway which could be completed utilising permitted development rights.

9.1.22 Officers are satisfied that this application would not lead to environmental or landscape harm.

9.1.23 CP46 Criterion x requires new proposed development to have - *facilities and services... accessible from the site*. As detailed in numerous third-party representations, it is appreciated that Upton Scudamore, as a small village, does not have many facilities and services within the village. However, officers argue that the village is located reasonably close to Westbury with its main service provision about 3 miles away, with Warminster being even closer at just over 2 miles to the town centre, from site. Both nearby towns offer a range of facilities and services that local residents from the village no doubt benefit from and the subject property and proposal is seen as being no less sustainable than all the other existing properties, some of which have children. It is also important to appreciate that the Policy does not require such facilities and services to be within walking distance or within the respective settlement.

9.1.24 The applicant's statement sets out the number of adults to be present at any one time and should the need arise, officers would expect any associated facility/service related trips to be taken via either private motor vehicle or by using the bus services that operate from Upton Scudamore – which has two bus stops – with one being located adjacent to the A350 Warminster Road, and a further bus stop near The Angel Inn. Services that operate from these bus stops travel to Bath, Frome, Warminster, Trowbridge, Bradford on Avon using the D1 and 58 bus service routes.

9.1.25 It is appreciated that the public transport offer in the village is however limited. The D1 bus service (which operates from the A350 road – is approximately a 16-minute walk away from Temple Farm) and operates an hourly bus service to Warminster from 6:23am until 19:32pm and to Bath on roughly an hourly basis from 06:55am until 20:02pm on weekdays and similarly once an hour basis during weekends.

9.1.26 With regard to the No.58 bus service from The Angel Inn, this bus stop is only a 5-minute walk from Temple Farm, but only operates one trip to and from Warminster on weekdays (and not including Bank Holidays), leaving Kingdown School in Warminster at 3pm.

9.1.27 As an existing 5-bed dwellinghouse, the property could accommodate a large family, and depending on the occupants, there could well be the need to access regular health care

and associated support services from Westbury, Warminster or even further afield, and when compared to what may be necessary for the proposed children's home, officers have concluded that whilst there may be a reliance of privately owned motor vehicles, there would be the option of using public transport, and given that there is a genuine need for more specialist children's homes, when balanced against the needs of delivering new specialist accommodation and meeting the needs of children who would benefit most in having a rural/village home setting, officers are satisfied that this proposal would comply with the key objectives of the Core Strategy.

9.1.28 It was noted from the case officer's site visit that there are stretches of public highway through the village that has limited pavement provision, but this limitation is beyond the reasonable reach of the applicants to address and it has to be appreciated that the same limitations apply to all the existing residents of the village and officers are not aware of any reported near miss collisions or pedestrian/traffic related accidents to raise this matter as a reason to refuse planning permission.

9.1.29 The Council's highway officer was consulted and as confirmed earlier in this report, they raised no objection. In response to the third-party concerns, the highway officer has confirmed that over the last 5-year period for Upton Scudamore, there has only been one recorded accident involving an injury, which involved one vehicle and the driver, and no reported pedestrian accidents. In the absence of any clusters of accidents within the village, the highway network is considered to be operating relatively safely. It is however important to caveat the above by recognising the accident data is only one measure of safety and is not the only factor the Council's highways authority considers when responding to planning application consultations.

9.1.30 When tested against the NPPF, the proposal would not conflict with paragraph 115, and as such, planning permission should not be refused on highway grounds, as mandated by the Government.

9.1.31 Officers fully acknowledge that the proposed children's home would most likely be reliant on the use of private vehicles for the majority of trips, but when tested against the pre-existing circumstances and the use of the existing dwelling, there would likely be the same levels of reliance, and as such, officers do not consider this proposal to be unsustainable or inappropriate when tested against CP46 criterion X.

9.1.32 CP46 Criterion xi relates to the *scale and type being appropriate to the nature of the settlement and respect the character and setting of that settlement*. Given that there are no proposed external alterations or extension to the host building, the property would remain having 5-bedrooms, criterion xi is not identified as being conflicted with under this proposal.

9.1.33 Whilst there may be some additional traffic movements to and from the dwelling to accommodate the adult staff shift changeovers, the number of associated trips would be within acceptable parameters.

9.1.34 With reference to the applicants' supplementary statement, it is noted that a fire alarm system and fire doors have been added internally, however these do not require planning permission and do not alter the appearance of the dwelling.

9.1.35 Officers fully appreciate the local concern raised about noise and disturbance; however, this could equally apply to a standard dwelling being occupied by 4 children. In the absence of any substantiated evidence, officers are satisfied that the proposed use, with properly trained adults providing the necessary continuous on-site management and care, the proposed use would operate similar to a dwelling in terms of having a range of deliveries and with there being no highway related reason to oppose granting permission, the C2 use is supported by officers, and is considered compliant with policy CP46 of the adopted WCS.

9.2 Impact of the proposal on the setting of the nearby Listed Buildings: Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting.

9.2.1 The Framework requires great weight be given to the conservation of heritage assets and advises on a balanced approach pursuant to any public benefits, which may result from proposals being weighed against any harm caused. In particular, NPPF paragraph 205 advises that when *"considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*.

9.2.2 NPPF Paragraph 206 requires that any harm or loss of significance to a designated heritage asset should require clear and convincing justification.

9.2.3 In addition to the above, CP58 of the adopted WCS requires that *"designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance"*. Policy CP57 also requires a 'high standard of design' in all new developments and for developments to be *"sympathetic to and conserving historic buildings and historic landscapes"* as set out within criterion iv.

9.2.4 Regard has been given to the above necessary statutory tests, in terms of the proposed use on the nearby designated heritage assets.

9.2.5 Officers have concluded that the significance of the nearby listed buildings derive from their architectural interest and historical associated with the farmland. This proposal relates solely to the change of use of the existing dwelling from a residential dwelling (C3 use) to a children's home, without any external alteration to the existing building, which would cause no harm to the nearby designated heritage assets or their respective settings.

9.2.6 Accordingly, the proposal would satisfy the requirements of CP57 and CP58 of the adopted WCS, the Framework and relevant sections of the Planning (Listed Building and

Conservation Areas) Act 1990.

9.3 Impact on the Amenity of Existing and Future Neighbouring Occupiers: Policy CP57 of the adopted WCS requires in criteria vii for developments to have *"regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)"*.

9.3.1 NPPF Paragraph 135(f) requires planning policies and decisions to *inter alia* ensure that developments *"create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users"*. It is also noted that footnote 52 on page 40 within the NPPF advises that planning policies may *"make use of the nationally described space standard, where the need for an internal space standard can be justified"*.

9.3.2 The concerns raised within the submitted representations are duly noted and officers understand the expressed concerns regarding potential disruption created by the changeover of staff over the course of the day. However, given the scale of the development, the number of staff to be present at any one time, and the associated arrival/departure related traffic movements site each day, the extent of disruption would likely be very limited and temporary in nature.

9.3.3 As a 5-bed family home, the potential for vehicle movements associated with school trips and taking children to and from extracurricular activities, for shopping and medical appointments, and out-commuting for work purposes – all need to be factored in terms of having a full understanding of the potential and probable baseline circumstances. Officers have carefully considered all of the above and have concluded that there would be no material difference between a 5-bed dwelling and the property being operated as a children's home for a maximum of 4 children in terms of the impacts on neighbours.

9.3.4 In an appeal decision (reference APP/P9502/X/13/2205394, against Brecon Beacons National Park Authority refusal of a lawful development certificate for up to 5 children), the appointed inspector accepted the following position (as set out within paragraph 20 of the decision letter):

"The grounds of appeal lodged by the appellant refer to the fact that, due to their background, some of the children may be in receipt of 'care' that goes beyond the care normally associated with bringing up a child or adolescent. It is possible that such children could make more noise and create more disturbance than children associated with a typical family dwelling, but I note that the proposal is small in scale with no more than 5 children at any time) and that Ty Rhos Bach is a detached house (which could reasonably be occupied by a family with more than 5 children) and not bounded by other residential properties.

*In my view, any change to the character of the Ty Rhos Bach arising from **noise and***

disturbance emanating from the intended occupiers of the proposal would not be significant and would not have a material impact on local amenity.” (Emphasis added by officers).

9.3.5 Consistent with the approach taken for the above cited appeal, officers raised no conflict with CP57 for the Temple Farm application.

9.3.6 In response to third party concerns regarding the welfare of children, it is important to acknowledge that the home would be required to be registered, regulated and assessed by Ofsted.

9.3.7 Ofsted would also need to sanction the children’s home in terms of the location, in consultation with the Police and the Council’s children’s services team and the premises would be inspected on at least on an annual basis. It is important to appreciate that are other regulatory bodies and legislation, outside the planning system, which focus on safeguarding and the welfare of children in a care setting.

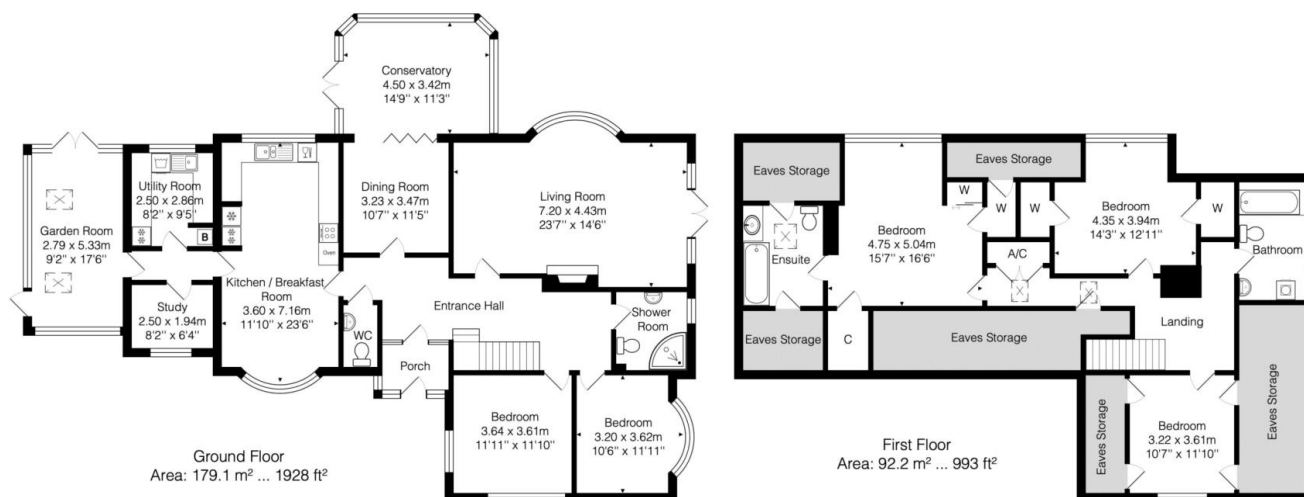
9.3.8 Officers fully recognise the importance of there being a mechanism in place for any complaints to be raised regarding noise and disturbance from the premises. The Council has a well-established complaints system, and any statutory noise nuisance would fall to the Council’s environment control and protection team to investigate, which falls outside the planning regime.

9.3.9 Planning conditions restricting the use of the property and the number of children to be houses are recommended to strictly define the terms of any planning permission. Any material breach would be enforceable.

9.4 Highways Safety: In accordance with CP64 of the adopted WCS and the Council’s adopted car parking strategy, there is a requirement to provide a minimum of three on-site car parking spaces for a 4+ bed dwelling and two on-site car parking spaces for a 2-3 bed dwelling. The submitted site block plan drawing confirms that the required on-site car parking provision. Therefore, there is no highways reason for refusing the application.

9.4.1 Within the submitted third party representations a number of concerns have been raised regarding the rural nature of the road through Upton Scudamore and its proximity to major trunk roads (the A350 and A36) along with the lack of pavement through the village.

9.4.2 However, no objection has bene raised by the highways authority and mindful that the existing dwelling and all of the existing residents of the village experience the same limitations, officers find there to be no justified reason to refuse this application.



9.5 **Ecology Matters:** CP50 of the adopted WCS and the NPPF requires the local planning authority to ensure the protection of important habitats and species in relation to development and to seek the enhancement of biodiversity through the planning system. Whilst the site is not adjacent to any rivers or at risk of flooding, it is situated within the River Avon (Hampshire) Special Area of Conservation (SAC) catchment area.

9.5.1 The SAC is designated for several species of wildlife that depend on pristine water quality that is typical of chalk rivers such as the Avon. It is part of a network of sites across Europe designated to protect these and other species vulnerable to man-induced habitat change. This SAC is particularly vulnerable to the effects of pollutants including phosphate and nitrogen discharges via sewage treatment works or from fertilizers used on farmland throughout the catchment.

9.5.2 This application does not propose any alterations to the dwelling. As such, there would be no significant harm to the SAC compared to the existing use of the bungalow as a family home.

10. Conclusion (The Planning Balance): As detailed above, the local concerns are all fully noted and understood. However, officers have not identified any substantive material harm or policy conflict with either the adopted Core Strategy or the NPPF. Whilst it is appreciated that the proposal may lead to an increase in vehicle movements to and from the site, associated with staff shift patterns, this would not be significant and nor would it amount to an unacceptable impact on neighbouring amenity. In the absence of any technical grounds to refuse the application and with due regard to the existing use of the site being a 5-bed dwellinghouse, which would also generate a number of vehicles movements over the course of a day, there is no evidence presented within the objections to justify a refusal in terms of highway impacts, sustainability, noise and disturbance.

RECOMMENDATION: Officers therefore recommend that this application be approved subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years

from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by 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:

Drawing No's: Location Plan; and Site Plan; as received on 22 January 2024; Existing Floor Plans (Not to scale - For information only - No changes to floor plan), as received 13 February 2024; SK01, Existing Car Park Layout Plan; SK02 Rev A, Proposed Widening of Car Park Plan; SK03, Swept Path Analysis Large Car Plan; SK04, Swept Path Analysis Ambulance Plan, as received on 7 May 2024

REASON: For the avoidance of doubt and in the interests of proper planning.

3. The development hereby approved shall only be used as a children's residential home (C2 use) and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the prior expressed planning permission of the Local Planning Authority.

REASON: The proposed use is acceptable, but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

4. The development hereby approved shall not be occupied by more than four children at any one time.

REASON: In the interests of neighbouring amenity and to define the terms of this permission.

5. No part of the development hereby permitted shall be first brought into use until the access, turning area and 5 car parking spaces as shown on drawing no. SK03 have been completed in accordance with the details shown on the approved plans. Thereafter, the areas shall be maintained for those purposes at all times for the lifetime of this permission.

REASON: In the interests of highway safety.

6. The development hereby approved shall not be first brought into use until an on-site management plan has been submitted to and approved in writing by the Local Planning Authority which shall include:

- a. A management plan for the day-to-day operations of the site
- b. A protocol of how complaints (including from local residents) can be raised with the provider (separate to any corporate /statutory noise nuisance complaint)
- c. Details of how complaints will be managed by the provider and the respective timescales
- d. Contact details of named personnel to be contacted to enforce the abovesaid management plan

REASON: to define the terms of this permission and in the interests of protecting neighbouring amenity