

23/01258/FUL

Applicant Mr Mike Stanway

Location Tythby Grange Farmhouse Bingham Road Tithby Nottinghamshire
NG13 8GR

Proposal Change of use from C3 to C2 children's home

Ward Cropwell

Details of the application can be found [here](#)

THE SITE AND SURROUNDINGS

1. This application relates to a large detached two storey 5 bedroom redbrick farmhouse set within a complex of agricultural and commercial buildings within Tythby Grange Farm. The dwelling is set within its own residential curtilage comprising lawned gardens bounded by brick walls and mature hedging and trees with a number of outbuildings
2. To the north west is a courtyard adjoined by an agricultural building and 2 no. commercial buildings in Use Class B8 use (Storage and Distribution) or Class E(g)(iii) Use (Industrial processes which can be carried out in a residential area without detriment to its amenity). Further to the south west are Tythby Grange Cottages, a pair of semi detached dwellings. Immediately to the north is a large agricultural building recently granted planning permission for a Use Class B8 use (Storage and Distribution) or Class E(g)(iii) Use.
3. The farmhouse is situated approximately 1km to the east of Tythby Road and accessed by a shared gated track serving the farmhouse, agricultural and commercial properties.
4. The site is further surrounded by agricultural fields on all boundaries and is designated as being within open countryside. It falls within Flood Zone 1.

DETAILS OF THE PROPOSAL

5. Full planning permission is sought for the change of use of the existing farmhouse from residential (Use Class C3) to an Ofsted registered therapeutic children's home (Use Class C2) for up to 4 no. young people who would receive 1:1 care.
6. The applicant has submitted a Statement of use which outlines the following:-

At full occupancy there will be 4no. carers working from 7:00 until 23:00. 2no. carers will finish their shift at 23:00 and 2no. carers will sleepover at the property from 23:00 until 7:00 with a handover to the new staff team at 7:00 when 4 more carers will start on duty.

Care will be provided at the home 7 days per week 365 days of the year. In addition to the care team there will be a registered manager and deputy manager that will be in the home from Monday to Friday.

The young people would attend school or education provision in the week during term times and will attend local clubs and activities during the evenings and weekends with transport provided by the carers.

Every 3 or 6 months a child would have a review from a social worker, mostly via teams calls with visit for a 6 weekly minimum review. A therapist would visit the home 3 days per week between Monday and Friday.

7. No external alterations to the property are proposed

SITE HISTORY

8. 23/01375/FUL - planning permission was granted on the 20th September 2023 for the change of use of an agricultural building used as a grain store to Class E(g)(iii) and class B8 plant and equipment storage, including external alterations.
9. 23/00785/PAR - It was determined in April 2023 that Prior Approval was not required for the change of use of Agricultural Shed to a 'Class B8' (Storage & Distribution) or Class E(g)(iii) Use (Industrial processes which can be carried out in a residential area without detriment to its amenity).
10. 23/00296/FUL - planning permission was granted in February 2023 for the change of use of 2 no. Agricultural Sheds to Class E(g)(iii) and Class B8 Uses along with alterations to the Existing External Elevations and external ground regrading.

REPRESENTATIONS

Ward Councillor(s)

11. One ward Councillor (Cllr Birch) - supports the proposal as the site is in close proximity to Bingham and the Bingham By-Pass with excellent transport links. The site is an equivalent or superior location to some properties in Bingham itself in terms of access to local facilities.

Town/Parish Council

12. Tythby and Wiverton Parish Council - Raise no objections.
13. Bingham Town Council (Adjacent) - Raise no objections.

Statutory and Other Consultees

14. Nottinghamshire County Council as Local Highways Authority comment that no objections are raised.
15. Environment Agency comment that development falls within flood zone 1 therefore no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the application site.

16. The Borough Environmental Health Officer comments that the use of the house as a children's home would not be compatible with an active agricultural use. However, the proposed children's home is viewed as a residential use, particularly as the Statement of Use states the children would attend school and generally follow the same routines as children living at home. As the hours of operation for the proposed change of use for the adjacent agricultural building(s) can be restricted by condition to the normal working day we are of the view this should ensure there is no adverse impact on amenity. In addition, there is an existing residential use and other residential properties within the vicinity.

Local Residents and the General Public

17. No comments received.

PLANNING POLICY

18. The Development Plan for Rushcliffe consists of the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014) (LPP1) and the Rushcliffe Local Plan Part 2: Land and Planning Policies - adopted October 2019 (LPP2). Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG).

The full text of the Council's policies are available on the Council's website at: [Rushcliffe - Planning Policy](#).

Relevant National Planning Policies and Guidance

19. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. There are three dimensions to sustainable development, economic, social, and environmental.

The relevant sections of the NPPF are:-

Chapter 8: Promoting healthy and safe communities

Chapter 9 Promoting sustainable transport

Relevant Local Planning Policies and Guidance

20. Policies in the Local Plan Part 1: Core Strategy can be found [here](#).

Under the Local Plan Part 1 the following policies are considered relevant:-

Policy 1: Presumption in Favour of Sustainable Development.

21. Policies in the Local Plan Part 2: Land and Planning Policies, can be found [here](#).

Under the Local Plan Part 2 the following policies are considered relevant:-

Policy 1: Development Requirements

Policy 14: Specialist Residential Accommodation

Policy 22: Development within the countryside.

APPRAISAL

22. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
23. The main issues in the consideration of the application are the principle of development, residential amenity and the living conditions of occupiers, highway safety and parking.

Principle of development

24. The overarching Policy 1 in the Local Plan Part 1: Core Strategy reinforces that a positive and proactive approach to decision making should be had which reflects the presumption in favour of sustainable development contained in the NPPF.
25. The site falls within open countryside. Policy 22 of Local Plan Part 2 states out that land in the open countryside will be conserved and enhanced. Paragraph 2 sets out that development for certain uses including at sub paragraph b) the re-use and adaptation of buildings for appropriate uses, including housing. The scheme does not propose market housing but a specialist C2 use as a therapeutic care home for up to 4 children and must be considered as such.
26. Policy 14 (Specialist Residential Accommodation) of the Local Plan Part 2: Land and Planning Policies sets out that planning permission will be granted for specialist accommodation that falls within use class C2 (Residential Institutions) of the Use Class Order provided a number of criteria are met. Of relevance to this application this is provided that:
 - a) *the proposal is located in an existing residential area, close to good public transport routes, shops, community facilities and open space appropriate to the needs of the occupiers;*
 - d) *a satisfactory residential environment can be achieved for the benefit of the intended occupants without detriment to the amenity of nearby dwellings;*
and
 - e) *there is no significant adverse impact on highway safety and adequate provision for access and parking is made.*
27. Paragraph 92 of the NPPF (2023) states: "*Planning policies and decisions*

should aim to achieve healthy, inclusive and safe places which a) promote social interaction....and b) are safe and accessible...and c) enable and support healthy lifestyles..."

28. The application site is not within an existing residential area. It is in an isolated open countryside location, accessed via a 1.1km track leading from Bingham Road and is some 2.4km by road to Bingham, which is identified as a key settlement in Policy 3 (Spatial Strategy) of the Local Plan Part 1: Core Strategy.
29. The site would not be served by close by public transport routes given that the nearest bus stops to the site are located some 2km from the application site serving Nottingham and Bingham via Cropwell Bishop and Cropwell Butler.
30. Furthermore, the roads in the locality of the access track to the application site are not served by pedestrian footpaths and are unlit.
31. Taking the above into account, by virtue of its isolated location within the open countryside at the end of a 1.1km long farm track some distance from the nearest town centre with local shops services and facilities and access to means of public transport, it is not considered that the site is in a sustainable location and as such the proposal fails to meet the criteria set out in Policy 14 of the Local Plan Part 2: Land and Planning Policies, particularly part 'a' which requires that such uses be located in an existing residential area, close to good public transport routes, shops, community facilities and open space appropriate to the needs of the occupiers.

Residential amenity and the living conditions

32. Policy 10 of LPP1 and Policy 1 of LPP2 requires that new development proposals be assessed in terms of their impact on the amenity of occupiers of proposed development and nearby residents. Policy 14 of LPP2 requires new residential institutions to provide a satisfactory residential environment for the benefit of the intended occupants without detriment to the amenity of nearby dwellings.
33. Given the separation distance between the Farmhouse and the nearest residential properties to the southwest (Tythby Grange Cottages) it is not considered that the proposal would result in harm to the residential amenity of the occupiers of these nearby dwellings from the use or any associated access requirements.
34. With regards to the level of amenity that would be provided for the residents and live-in staff of the proposed children's home if permission were to be granted the comments of the Environmental Health officer are noted.
35. The Farmhouse is adjacent to a complex of agricultural and commercial buildings to the north and west.
36. Some of the agricultural buildings are in use whilst some appear to be vacant.
37. There are 4 no. commercial buildings which have been granted 'Class B8'

(Storage & Distribution) or Class E(g)(iii) Use (Industrial processes which can be carried out in a residential area without detriment to its amenity). Impact on the amenity of the Farmhouse and Tythby Grange Cottages was given due consideration in determining the applications for these uses. Consequently, hours of use restrictions have been placed on these commercial buildings which are between 07.00 and 19.00 Monday to Friday and 08.00 and 17.00 on Saturdays (no Sundays or Bank Holidays).

38. The Farmhouse currently has a Use Class C3 (Residential) use and as such could be occupied as a dwelling at any time without the need for any planning permission notwithstanding the nature of the uses of the surrounding buildings. The occupation of dwelling as a children's home would not be considered to be significantly different in terms of the expectations of levels of amenity that would be provided for its occupants of the property.
39. Taking this into account together with the restrictions of hours of operation of the commercial buildings to be during weekdays and Saturday day times only and given that the young people would generally be attending school or educational providers during the week it is not considered that it would be reasonable to justify refusal of the proposal on the grounds of lack of amenity for occupants of the children's home in this instance.
40. The proposal is therefore considered to accord with Policy 1 and Policy 10 of LPP1 And Policy 1 and Policy 14 of LPP2.

Highway matters

41. Policy 1 2. of LPP1 sets out that planning permission for changes of use will be granted where a suitable means of access can be provided without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with advice provided by the Highways Authority. Nottinghamshire County Council Highway Authority has reviewed the application and has raised no objections to the proposal. Access to the property would be via an existing access onto Bigham Road and there is parking provision for at least 12 vehicles. This would be considered to be an appropriate provision given the proposed number of residents, staff and visitors to the site.
42. The proposal is therefore considered to accord with Policy 1 of LPP2 and Section 9 of the NPPF (2023).

Conclusion

43. Given the isolated location of the site at the end of a 1.1km access track and within the open countryside, distances to the nearest key settlement and the service and facilities of Bingham and the nearest villages and the lack of any public transport routes on Tythby Road to access Tythby Grange (which has no pedestrian pavements and is unlit) it is considered that the site is in a highly unsustainable location. It would not have access to sustainable transport routes, relying on the use of motor vehicles for staff and visitors to the proposed children's home and for the young people to access services and facilities and services such as doctors, schools and shops.
44. It is therefore considered that the proposal fails to meet the criteria set out in

the Chapter 12 of the NPPF, Policy 14 of the Local Plan Part 2 and Policy 22 of the Local Plan Part 2.

45. The application was not the subject of any pre-application discussion however there is a fundamental policy objection to the proposal and as such a recommendation for refusal has been made in a timely manner to avoid any further abortive costs.

RECOMMENDATION

It is RECOMMENDED that planning permission be refused for the following reason(s)

1. The proposal would represent an unsustainable form of development by virtue of the site's isolated location within the open countryside located 1.1km from the nearest public highway, and given the distance to the nearest services and facilities within key settlement of Bingham.

Furthermore, there is a lack of any public transport routes on Tythby Road to access Tythby Grange, or opportunity for pedestrian travel given the unlit nature of the rural road with no pavements, thereby resulting in a reliance on private vehicles by residents and staff and visitors to the site.

Accordingly, the proposal would fail to meet the requirements set out in Policy 14 (Specialist Residential Accommodation) of the Local Plan Part 2: Land and Planning Policies, particularly part 'a' which requires that such uses be located in an existing residential area, close to good public transport routes, shops, community facilities and open space appropriate to the needs of the occupiers.

In light of this, the development is also considered to fail to comply with Policy 22 (Development Within the Countryside) of the Local Plan Part 2: Land and Planning Policies (2019) which allows under part 2'b' only for "the re-use of buildings for 'appropriate' uses..." which in light of the requirements of policy 14 above cannot be considered to comply.

The proposal therefore fails to accord with the criteria set out in the Chapter 12 of the National Planning Policy Framework (2023) and Policies 14 and 22 of the Local Plan Part 2: Land and Planning Policies (2019).