

**9 DCSW2005/0556/F - AMENDMENT TO CONDITION 4 OF PLANNING APPROVAL (03/1109380 - 30/07/03) TO EXTEND EDUCATION USE FOR NOT EXCEEDING 4 NON-RESIDENT STUDENTS AT THE HAVEN, HARDWICKE, HAY-ON-WYE, HEREFORD, HR3 5TA**

**For: Sedgemoor Ltd per Olorun Planning Partnership Ltd, 107 High Street, Honiton, Devon, EX14 1PE**

**Date Received: 18th February, 2005    Ward: Golden Valley    Grid Ref: 26519, 43879  
North**

**Expiry Date: 15th April, 2005**

Local Member:    Councillor N.J.J. Davies

**1. Site Description and Proposal**

- 1.1 The site is on the northern side of the Class II road (B4348). The entrance is 220 metres south-east of the junction of the B4348 road with the B4352 road at Hardwicke.
- 1.2 This natural stone 19th Century building has permission, granted on Appeal, for use as a residential institution. The approval also includes use of a former Coach House, previously used as guest accommodation, for educational purposes for the benefit of up to four 11-16 year olds residing at The Haven.
- 1.3 The current proposal entails expanding the use of the existing educational facility from use by four resident 11-16 year olds to one for 8 pupils, the additional four students being non-resident and using the educational facility only on a daily basis. This building is 24 metres long, providing 2 classrooms either side of a food area and bathroom. There is also a common room and store. There is a first floor accommodation half the length of the ground floor accommodation. It will be used for art and science lessons. The displaced offices on the first floor have moved into an existing garage on the site. This change of use was approved earlier this year.

**2. Policies**

**2.1 Hereford and Worcester County Structure Plan**

Policy CTC.2    -    Areas of Great Landscape Value

**2.2 South Herefordshire District Local Plan**

Policy GD.1    -    General Development Criteria  
Policy C.1    -    Development within Open Countryside  
Policy C.8    -    Development within Area of Great Landscape Value

**2.3 Unitary Development Plan**

There are no relevant policies that introduce issues different from the policies set out above.

### 3. Planning History

- |     |               |  |   |  |
|-----|---------------|--|---|--|
| 3.1 | SH900423PF    | Conversion of coach house to holiday guest accommodation and replace stone drying shed                         | - | Approved 18.04.90                              |
|     | SW2002/3241/F | Change of use from hotel (C1) to residential institution (C2)  | - | Refused 11.12.02<br>Appeal Allowed<br>30.07.03 |
|     | SW2003/0710/F | Change of use from holiday guest accommodation to on-site educational unit for children housed in the dwelling | - | Approved 17.07.03                              |
|     | SW2003/0713/F | Change of use from hotel (C1) to dwelling house  | - | Approved 17.07.03                              |
|     | SW2004/4394/F | Conversion of garage to offices  | - | Approved 14.02.05                              |

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

#### Internal Council Advice

- 4.2 The Traffic Manager has no objection.

### 5. Representations

- 5.1 In a letter that accompanied the application, the applicant's agents make the following main points:

- proposal is to use the entire Coach House for educational purposes
- condition 4 to planning approval (granted on Appeal) limits the use to four children in residence in the main dwelling
- Coach House some 160m squared is therefore under-utilised
- more effective use, as recommended by PPG.1
- objective is to provide special needs education to enable children to catch up so that they can return to main stream education
- likely to result in two additional traffic movements Monday - Friday by them to The Haven and then taking them home; and four additional staff movements each day (i.e. Monday - Friday)
- an appropriate amendment to Condition 4 is as follows:

"The premises shall be used only for the educational use of the children in care at 'The Haven' and for not exceeding four non-resident children in care and not for any other purpose, including any other purposes in Class C2 of the schedule of 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."

5.2 Clifford Parish Council make the following observations:

"7 parish councillors viewed the application, 5 being opposed, 2 making the following comment - If the amendment was along the lines suggested in the letter 17.02.05 (in italics) I would not object.

These comments were made by 5 councillors:

1. In my view the original planning permission granted by the inspector at the inquiry held on July 15th and 16th 2003 should be adhered to. The Inspector states in his formal decision 33.4) that the educational use of the former Coach House shall be ancillary to the residential use of the main house and shall only be used for the education and supporting administration of the four children referred to in condition 2 (33.2). The worries and concerns that the parish council and the local community had at this time have now been proven to be valid. I feel that if this decision is overturned in less than 2 years with all the problems that the community and police force have experienced it makes a mockery of the inquiry held in 2003.
2. Since The Haven opened as a residential home for boys in care with behavioural problems eighteen months ago its neighbours have suffered a number of unpleasant incidents. I am an elderly widow living alone nearby and my house had to be searched by police officers after a fifteen-year old with a history of violence absconded and was seen climbing over a wall into my yard. The boy was finally found in the garden of a disabled man close by, who was upset. Another time a boy stole a staff car at night and overturned it half a mile away. On other occasions boys have been found in the surrounding fields, once chasing sheep, one pitching tents in grass grown for hay, once hiding in woods, several times waving torches round the fields by the house at night, and one night one of our holly trees in a hedge near the house was set on fire. Besides these incidents affecting the public, The Haven staff have had to ask many times for police assistance to deal with trouble inside the house (between June and August 2004 staff were calling the police on average twice a week), and on at least two occasions the fire brigade had to be called out as well. I appreciate that there have been fewer incidents following the appointment of a new Manager late last year. Moreover, it seems that in recent months only two boys have been in residence. Nevertheless The Haven staff have still sometimes requested police help. I oppose the application to allow a further four non-residential children in care to receive education at The Haven as it still seems likely that the presence of more youngsters there during school hours would lead to more trouble.
3. I am strongly opposed to this application as the home was only for the education of four boys.
4. In view of the misdemeanours from The Haven in the past eighteen months I object to further expansion.
5. I strongly oppose this application and wholeheartedly agree with the comments of 1 to 4."

## 6. Officers Appraisal

- 6.1 The main issues raised are considered to be the principle of extending the use of the educational facility, the additional traffic generated by the increased use of the educational facility and the concerns about security and amenity of local residents and by the Parish Council.
- 6.2 It is considered that the external use of the educational facility is acceptable. Children will be brought to site from other locations to The Haven. This traffic already occurs as Sedgemoor mini-buses take residents and staff from The Haven on continual leisure and educational trips throughout school term time. It is a sustainable use of the educational facility, given the facility exists already and that the networking also already takes place.
- 6.3 It is considered that the additional traffic can be accommodated on the local road network. This stance is endorsed by the Traffic Manager.
- 6.4 The final issue relates to the perception of further problems that would arise as a result of four more students being on site. This is given the reported incidents include absconding, and the use of staff cars by residents. The Haven is the subject of the National Care Standards Commission registration, and they have the ability to withdraw the registration of homes, and if necessary insist on the closure of homes. In allowing the existing use the Inspector did not rule out the possibility of behaviour by the occupants that could result in them being moved to more appropriate institutions. The Inspector considered that the degree of risk of crime and other anti-social behaviour would not make it unacceptable in planning terms.

## RECOMMENDATION

**That planning permission be granted subject to the following conditions:**

- 1. The premises shall be used only for the educational use of the children in care at 'The Haven' and for not exceeding four non-resident children in care and not for any other purposes, including any other purposes in Class C2 of the schedule of 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.**

**Reason:** In order to define the terms to which the application relates.

- 2. At all times when children receiving residential care and education are on the premises a minimum of four care staff shall also be present.**

**Reason:** In order to define the terms to which the application relates.

**Informative(s):**

- 1. N15 - Reason(s) for the Grant of Planning Permission**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.