

**12 DCNW2005/2608/F - RETROSPECTIVE PLANNING APPLICATION FOR CHANGE OF USE TO C2 RESIDENTIAL INSTITUTION, AT MILL COTTAGE, PAYTOE, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0NB**

**For: Mr & Mrs D Parry Ltd, McCartneys, 7 Broad Street, Leominster, Herefordshire, HR6 8BT**

**Date Received:**  
**9th August 2005**

**Ward:**  
**Mortimer**

**Grid Ref:**  
**40975, 71336**

**Expiry Date:**  
**4th October 2005**

Local Member: Councillor Mrs O Barnett

## **1. Site Description and Proposal**

- 1.1 The location for the 'retrospective' change of use, is a former farmhouse known as 'Mill Cottage' situated in open rural countryside, the property's curtilage is adjacent to the C1017 public highway.
- 1.2 Mill Cottage is a Grade II Listed three storey structure of external stone and brick construction it has within its curtilage a car parking area that can accommodate in excess of 10 cars, as well as lawned areas and a small range of former agricultural buildings, of a traditional built form in a style representative of the dwelling subject to this application.
- 1.3 Adjoining the southern boundary of the application site are a range of modern farm buildings and a property known as 'The Grange', adjacent to this property is a site of an Ancient Monument (the former Wigmore Abbey).
- 1.4 The application seeks 'change of use' of the former farmhouse to a residential institution.
- 1.5 Presently in occupation of the dwelling are four children, these children are cared for by up to seven adult carers who are based on site, 24 hours a day, on a 'shift' rotational basis.

## **2. Policies**

### **2.1 Leominster District Local Plan**

A1 – Managing the District's Assets and Resources  
A2 – Settlement Hierarchy  
A9 – Safeguarding the Rural Landscape  
A18 – Listed Buildings and their Settings  
A22 – Ancient Monuments and Archaeological sites  
A24 – Scale and Character of Development  
A36 – New Employment Generating uses for Rural Buildings

- A45 – Diversification on Farms
- A54 – Protection of Residential Amenity
- A61 – Community, Social and Recreational Facilities
- A73 – Parking Standards and Conservation

## **2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)**

- S1 – Sustainable Development
- S2 – Development Requirements
- S11 – Community Facilities and Services
- DR2 – Land Use and Activity
- H14 – Re-using previously Developed Land and Buildings
- H16 – Car Parking
- E11 – Employment in the Smaller Settlements and Open Countryside
- E12 – Farm Diversification
- T11 – Parking Provision
- HBA1 – Alterations and Extensions to Listed Buildings
- HBA3 – Change of Use of Listed Buildings
- HBA4 – Setting of Listed Buildings
- ARCH3 – Scheduled Ancient Monuments
- CF7 – Residential Nursing and Care Homes

## **3. Planning History**

- 3.1 NW2005/1741/L - Retrospective application for works carried out to include replacement windows, partition walls, cladding to rear and mill workings, perimeter fence and concrete store - Withdrawn 14th July 2005
- 3.2 NW2005/1736/F - Retrospective application for a boundary fence and lower ground floor store - Withdrawn 14th July 2005

## **4. Consultation Summary**

### Internal Council Advice

- 4.1 Traffic Manager: Has no objection to the grant of permission.
- 4.2 Environment Health Manager: No comments to make with regards to proposal.
- 4.3 Conservation Manager: No objections to the change of use.

## **5. Representations**

- 5.1 Border Group Parish Council's response states:

Firstly we would like to point out certain inaccuracies with regard to the attached letter from Mr Simon Rouse.

- a) To our certain knowledge the property has been used as a private dwelling within the last 12 years, by an employee of Mr Parry, the property owner.
- b) In our recent visit the sub-committee still observed vehicles parked on the verge outside the property.

c) Given that the building has a 'Listed' status we do not agree that it has been 'beautifully restored'. The exterior has evidence of unsuitable rendering and the use of 'breeze blocks, whilst the walls adjacent to the right hand entrance are in an extremely dangerous state.

We would trust that the sentence 'I am grateful that the Planning Department have indicated their willingness to support the application', is merely the outcome of an informal comment.

THE SUB-COMMITTEE after lengthy discussion proposed the following resolution:-

'Whilst the Council as represented by this committee has real sympathy and understanding for the need for care homes for disturbed children it feels that the dwelling referred to is not suitable given its immediate environment. It therefore cannot support the application'.

Proposed by Mr A Scott and seconded by Mr M Oliver. Accepted by four votes to nil against.

1. Given that the use of the building is to care for children with special needs, its adjacency to buildings that are protected within the edict covered by sections A1, A22 and A25 of the Leominster District plan make it unsuitable.

2. No provision is made for these children to safely use outside facilities for recreation.

3. Mr Rouse in his letter indicates that the extra presence above a normal dwelling will be 'a MINIMUM of four children resident, and staff attending on a shift basis'. It is obvious that this will have an impact on the local community and environment in a number of ways:-

a) Intrusion on the privacy of local residents, especially the owners of the Abbey. Council members and the Clerk experienced verbal abuse from children at the rear windows as they walked up the path between the barn and Mill Cottage.

b) Increased use of a narrow lane by vehicles continually arriving and leaving due to 'shift' rota.

c) No evidence is given to show that the present services such as sewerage; water supply and waste disposal can accept this permanent increase in population. Water supply to the abbey building is already often unable to meet demand.

d) The Council accepts the degree of concern expressed by the local Paytoe residents and the lack of communication by Corvedale to allay their anxiety.

5.2 In support of the application the Managing Director, states that a maximum of four children are in residence at the property the letter further states that sufficient car parking spaces are provided within the site and that all vehicles to and from the property avoid the narrow lanes and approach from the Adforton direction. The landlord assures that the walls and roof on the barn adjoining the drive are safe. There is plenty of play space for the children and the company has the broadest adventure activities licence in the UK and upwards of 40 qualified instructors on the staff. Challenging physical exercise is provided every week which is linked to the childrens full time education provision at the registered school. The commission for Social Care Inspection have inspected the home, registered it and reported positively. Since the school, opened in December there have been about four visits from the police, these have been routine liaison or link to a child's failure to return to the property. The young people are well staffed and not unruly or out of control in any way.

5.3 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officers Appraisal

- 6.1 The application is for change of use only and not for any development on site and therefore should be considered on the merits for change of use only.
- 6.2 The application is retrospective for the change of use to a C2 residential institution.
- 6.3 The recent planning history of the site is somewhat complicated in that the site has been used as a 'Care Home' for a number of years (in excess of 10 years). Within the last 12 months the premises changed from a care facility for young adults with severe learning difficulties and mental ill health, under new management, into a residential care home for four children with emotional and behaviour problems.
- 6.4 The use for the latter is a planning 'change of use' due to staff attending on a shift basis and therefore the premises are not being used like a family unit.
- 6.5 The present use of the site is for the residential care of up to four children who live permanently on site, along with up to seven members of staff these change over on a shift basis.
- 6.6 The local Border Group Parish Council have stated that they cannot support the application stating concerns about the structural condition of the building in relationship to its listed status. This issue is not a planning issue with regards to the current application. The Conservation Manager is aware of issues of concern with regards to 'unauthorised modifications to the Grade II Listed Building', however, raises no objections to this application. The unauthorised development was subject to the previous planning applications that were withdrawn, pending resolution of the current unauthorised use.
- 6.7 The Parish Council concerns about lack of recreational provision for residents of the Care Home, amount of staff attending on a shift basis and impact on local residents by the existing use, such as amenity and access to the site are not shared by the Care Home Inspector or Highway Manager respectively.

## 6.8 Conclusion

The proposed change of use will have no detrimental impact on the setting of the listed building or upon the privacy and amenity of adjoining land uses. Adequate provision is provided in accordance with policy criteria for off-street car parking within the property's curtilage. Consequently the proposal is considered to comply with relevant policies.

## RECOMMENDATION

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

- 1 - **A01 (Time limit for commencement (full permission) )**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

2 - E10 (Use as approved by the planning application subject to this approval )

Reason: To suspend the provisions of the Town and Country Planning (Use Classes) Order currently in force, in order to safeguard the amenity of the surrounding area.

**INFORMATIVES:**

1 - N15 - Reason(s) for the Grant of PP/LBC/CAC

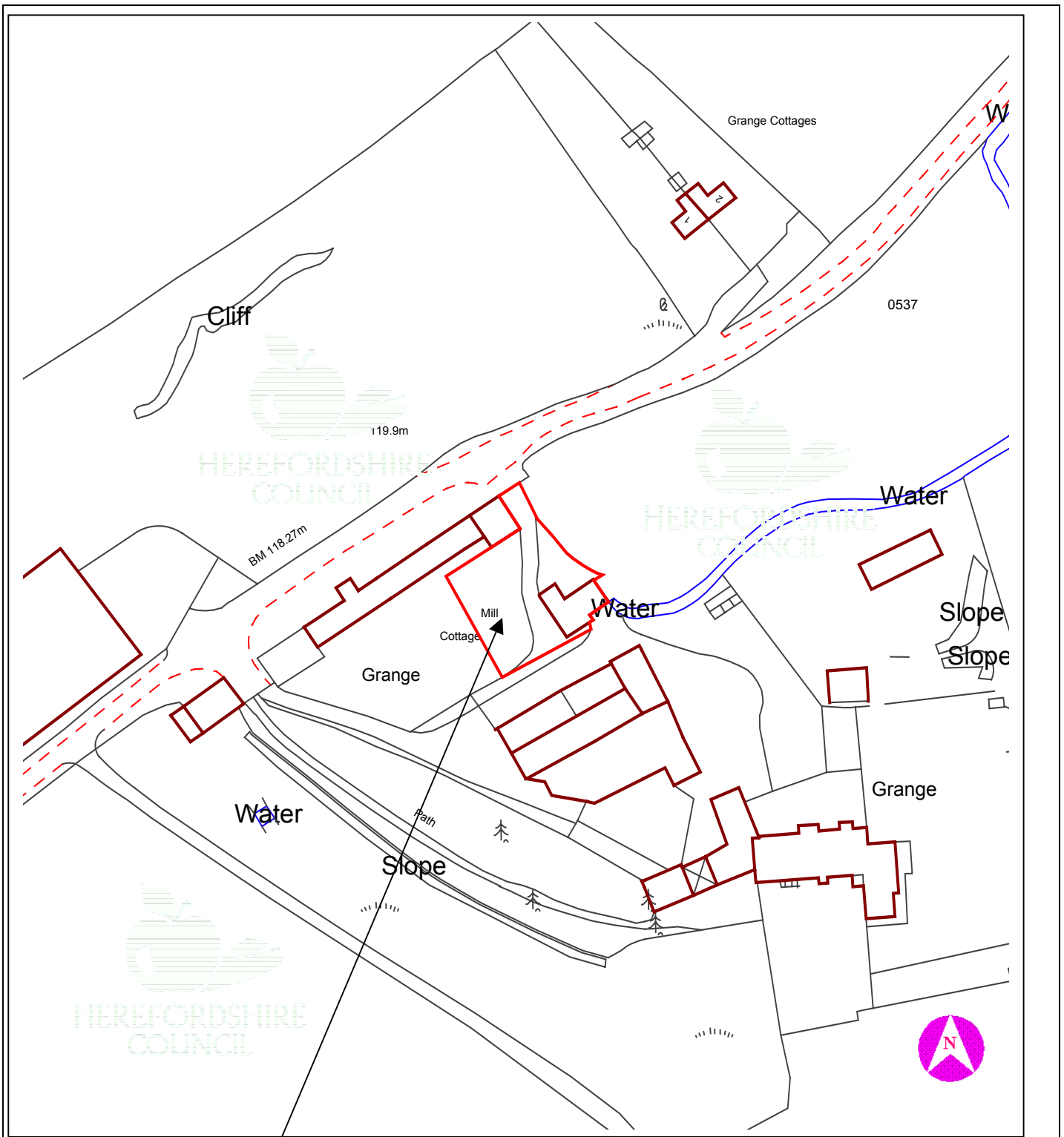
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2005/2608/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Mill Cottage, Paytoe, Leintwardine, Craven Arms, Herefordshire, SY7 0NB

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