



Appeal Decision

Site visit made on 11 January 2022

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th February 2022

Appeal Ref: APP/E2530/W/21/3278968

Greyhound Cottage, Main Street, Woolsthorpe By Belvoir NG32 1LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Pasture View Nurturing Homes Ltd against South Kesteven District Council.
 - The application Ref S21/0453, is dated 9 March 2021.
 - The development proposed is use of premises (C3a) as a home (C2) for up to three children or young person with up to two full-time resident carers working on a rota basis, sleeping overnight.
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Decision

1. The appeal is allowed, and planning permission is granted for the use of premises (C3a) as a home (C2) for up to three children or young person with up to two full-time resident carers working on a rota basis, sleeping overnight at Greyhound Cottage, Main Street, Woolsthorpe By Belvoir NG32 1LX in accordance with the terms of the application, Ref S21/0453, dated 9 March 2021, subject to the conditions set out below:
 - 1) The development hereby permitted shall be begun within 3 years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Location plan of NG32 1LX dated 27 September 2021.
 - 3) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification) the premises shall be used only as a children's care home for up to three children and for no other purpose (including any other use falling within Class C2 of the Order).

Preliminary matter

2. The appellant has submitted a revised site location plan as part of the appeal submission. This removes land to the side and rear of the appeal property from within the red line. As a result, there would be no dedicated off road parking associated with Greyhound Cottage. The Council has commented on this within its submission and carried out consultation with interested parties. Therefore, I do not consider that anyone would be prejudiced were I to accept the revised plan, and I have assessed the appeal on that basis taking account of responses received to the consultation exercise.

3. An appeal against the Council's refusal to grant a certificate of lawful use or development for the use of the premises as proposed under this current appeal was dismissed¹. The Inspector at that time considered that there would be a material change of use mainly due to the use of the land at the rear of the property in conjunction with the adjacent children's home at Pasture View.
4. As the proposal is in a conservation area, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Background and Main Issues

5. The appeal is regarding the Council's failure to give notice in the prescribed period of a decision regarding the submitted planning application the subject of this appeal. The Council has though, in its statement, suggested what the reasons for refusal would have been had it been in a position to determine the planning application.
6. The Council raises concerns regarding the impact of the proposed use on the character of the area given the lack of on-site car parking and that there would be a concentration of similar uses in the village. In addition, it considers that the resultant levels of noise and disturbance would be detrimental to the amenities of nearby residents, particularly given the lack of on-site car parking. On that basis, the main issues are:
 - the effect of the proposal on the character and appearance of the area having regard to whether or not the proposal would preserve or enhance the character or appearance of the Woolsthorpe by Belvoir Conservation Area (the CA); and
 - the effect of the proposal on the living conditions of the occupiers of nearby and adjoining residential properties with particular regard to noise and disturbance.

Reasons

Character and appearance

7. The CA encompasses the older part of the village along the main route through its core. There are a number of good quality buildings, the earliest constructed from coursed ironstone, with later buildings being predominantly brick built. Many properties are set at the back edge of the pavement, giving a sense of enclosure, which is reinforced by the presence of stone walls/hedgerows as front boundaries to those structures set back from the road, incorporating front gardens giving a verdant quality. Glimpsed views are also available through the built form towards Belvoir Castle.
8. The significance of the CA therefore, in so far as it relates to this appeal, is the high quality architecture together with the enclosure to the road and the relationship to green spaces and planting.
9. The appeal property is a detached two storey building of the vernacular building tradition set back from the road behind a stone wall with a small front garden. It therefore contributes positively to the character and appearance of the CA and the area in general.

¹ APP/E2530/X/21/3268905 (the previous appeal)

10. The property is currently used as a four bedroom family house. The proposal is for its use as a home for up to three children or young people together with up to two carers with a further carer/manager visiting each day. The requirement by Ofsted to provide a home as close to a family dwelling as possible means that there would be limited physical changes to the property, confined to the interior, such as the provision of fire doors and locks on bedrooms. As a result, the property would appear as existing, little distinguishable from a family dwelling, as I saw to be the case at the neighbouring Pasture View, also used as a children's home.
11. In terms of the movement of people, there would be three children together with two carers. One carer would be replaced after a shift, so that for a short period there could be three carers on the premises. In addition, on weekdays there would be a manager on site. For the majority of the time therefore there would be three members of staff and three children. This would not be a dissimilar amount that could be accommodated within the existing four bedroom dwelling. Carers would normally change shift in the morning and the manager would work 0900 to 1700. Children would also be taken to school and back. Again, this level of activity would be similar to that within a family dwelling and at a level that is unlikely to cause material harm to the character and appearance of the area. Officers from Ofsted or Social services would, according to the appellant, only be likely to visit once a year. The appellant includes in their statement a comparison between proposed vehicular movements associated with the proposal and those of a family dwelling. The figures show negligible difference between the two and the Council has presented no robust evidence to dispute these figures.
12. There would be no on-site parking associated with the property and this would result in cars being parked on the roadside. However, I saw at my site visit that this is a characteristic of the area. At the time of my site visit parking was easily available. While this was only a snap-shot in time, I have been presented with no substantive evidence to suggest that lack of on street parking is a significant problem in the area. From the level of activity proposed at the appeal property, the number of additional cars parked on the street would be minor and not sufficient to cause material harm to the character and appearance of the area or the significance of the CA. I note the concerns raised by local residents over numbers of cars associated with Pasture View. However, at my site visit, there was not an overly large number of cars in the vicinity, with only three parked at the property itself.
13. My attention has been drawn to the planning permission that has been granted², by the Council, for development on land between Greyhound Cottage and Pasture View. However, this is for one dwelling and the level of associated car parking would be limited even if it were to be accommodated off site.
14. I therefore find that the proposal would not be harmful to the appearance of the building, would maintain the character and appearance of the area and the increase in on street parking would not be prominent in the streetscene. At my site visit I noted that this was also the case with Pasture View, in a similar use. I am not persuaded therefore that either in isolation, or in association with Pasture View, the proposal would be harmful to the character and appearance of the area and the significance of the CA.

² S21/0543

15. For the reasons above, I conclude that the proposal would preserve the character and appearance of the area and the CA. There would therefore be no conflict with Policy DE1 of the South Kesteven Local Plan 2011-2036 adopted 2020 (the Local Plan) and the National Planning Policy Framework (the Framework). These require that development does not have an adverse impact on the streetscene or the townscape character of the surrounding area as well as sustaining and enhancing the significance of heritage assets.

Living conditions

16. The number of future occupants would be limited to a maximum of 3 children together with 3 members of staff. It is not evident that such a small number of occupants would cause much more noise or disturbance than a four-bedroom family dwellinghouse which might reasonably accommodate 6 occupants, even accounting for the possibility of a different pattern of movements compared to a family house, nor has any substantive evidence been put forward by the Council in support of its position. As such, I consider that the proposed conversion would likely be comparable to the existing dwellinghouse in terms of activity and noise, and so would be acceptable on this basis.
17. There is garden space at the property which could be used by residents. The appellant has made it clear though that the occupants of the appeal property, would not interact with animals that are currently maintained at Pastures View, at the rear of Greyhound Cottage, and this area is not included within the appeal site. I acknowledge that the Inspector on the previous appeal found that the increase in noise levels at the appeal property would materially affect the character of the land use, this was on the basis that the animal facilities and area to the rear of the appeal property would be used by both homes. This is not the case here. Moreover, the issue for the Inspector in the previous appeal was whether there would be a change of use of the property. My role, within this appeal, is to consider whether the proposed change of use would be acceptable. From the evidence before me, it is unlikely that there would be large gatherings of occupants in the garden sufficient to cause unacceptable noise and disturbance to neighbouring occupiers.
18. Additional car movements to the property have the potential to cause noise and disturbance. However, I have already found that such movements would not be dissimilar to that associated with a comparably sized family dwelling. In addition, most movements would take place within the daytime, when likely to cause less noise and disturbance to surrounding occupiers.
19. The existing children's home at Pastures View is of a similar size, being limited to 4 children only. Therefore, even in conjunction with this property the associated comings and goings are unlikely to be significant. I note residents' comments that the planning permission for this property was restricted to 7 children, with the lower figure being imposed by Ofsted. Concerns are therefore raised that the total could increase in the future without the requirement for a further planning permission. However, I have seen no substantive evidence to suggest that is the intention, and, in any case, the Council considered at the time that 7 children would be an acceptable level of occupation.
20. Local residents report significant concerns regarding incidents of anti-social behaviour associated with the operation of Pasture View resulting in considerable noise, disturbance and criminal activity. While such issues are capable of being a material consideration, and can be upsetting for local

residents, the evidence before me is limited to isolated incidences at the existing property. There are no submitted police reports, or any concerns raised by Ofsted or social workers or indeed any indication of the number of times police may have been called to the existing property. Much is down to the management of the proposed facility, and I note the positive support from the landlords of the property for the operating company. In this instance therefore, there is no substantive evidence before me which would lead me to dismiss the appeal on these grounds.

21. For the reasons above, I conclude that the proposal would not be harmful to the living conditions of occupiers of surrounding residential properties. There would therefore be no conflict with Policy DE1 of the Local Plan. This requires that development proposals ensure that there is no adverse impact on the amenity of neighbouring users in terms of noise.

Conditions

22. I have had regard to the conditions suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance, making such amendments as necessary to comply with those documents.
23. A condition relating to timeliness, one regarding plans and one restricting the use are all necessary in the interests of certainty.

Conclusion

24. For the reasons above, I conclude that the appeal should be allowed.

Zoe Raygen

INSPECTOR