



Appeal Decision

Site visit made on 22 March 2022

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2022

Appeal Ref: APP/N2739/W/21/3286927

Hollydene, South Duffield Road, Osgodby, Selby YO8 5HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Gallaher of Nottinghamshire YMCA against the decision of Selby District Council.
 - The application Ref 2019/1102/COU, dated 23 October 2019, was refused by notice dated 22 September 2021.
 - The development proposed is a transfer from private residential dwelling to operate as a business 24 hours a day providing care, works would commence upon the property to include a fully functional fire alarm system and fire doors November 2019 onwards.
-

Decision

1. The appeal is allowed and planning permission is granted for a change of use of residential dwelling to operate as a business 24 hours a day providing care at Hollydene, South Duffield Road, Osgodby, Selby YO8 5HW in accordance with the terms of the application, Ref 2019/1102/COU, dated 23 October 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan - LOC01; block plan - 02; existing layout - 03; proposed floor plans - 04; parking plan (amended drawing) 25/06/2021.
 - 3) The parking areas shown on approved plan parking plan (amended drawing) 25/06/2021 shall be laid out on site prior to the first use of the development hereby permitted and shall be retained thereafter for that purpose and clear of any obstructions.
 - 4) The maximum number of residents permitted within the development hereby permitted is four children.

Applications for costs

2. An application for costs was made by Mr Gallaher of Nottinghamshire YMCA against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. The description of development in the banner heading is taken from the application form. The description of development used by the Council is 'change of use of residential dwelling to operate as a business 24 hours a day providing care to include a fully functional fire alarm system and fire doors

November 2019 onwards'. I consider that this more accurately describes the development, and it is the description that I have used in my decision but have omitted 'to include a fully functional fire alarm system and fire doors November 2019 onwards' as this is not a description of development.

4. The Council indicates that the proposal is retrospective. However, whilst certain activities may have taken place at the property, the appellant confirms that it is not yet used as a residential institution. There is no substantive evidence to confirm that the change of use has taken place. I have dealt with the appeal on this basis.

Main Issues

5. The main issues are the effects of the proposed development on:
 - the living conditions of neighbouring residents with particular regard to noise and disturbance;
 - the character and appearance of the area; and
 - highway safety with particular regard to parking.

Reasons

6. The appeal site comprises a two storey detached property known as Hollydene with associated gardens to the west and south, a garage and parking area. The proposal comprises the change of use from a C3 residential dwelling to a C2 residential institution to provide low-level care for up to four children. No external changes are proposed to the property. Internally, the dining room on the ground floor would become the main office and an upstairs dressing room would become a staff office.

Living Conditions

7. The site is located within close proximity to existing dwellings on South Duffield Road and Sand Lane to the south. Access would be off South Duffield Road, leading to a parking area at the front of the property and close to the dwellings to the north and south. Its gardens lie adjacent to those of the surrounding properties to the north, west and south and the rear of the dwelling immediately to the south.
8. Although the proposal would involve a change of use as the staff would not be classed as residents, from the information submitted, the intention would be to provide accommodation for children in a residential environment. It would therefore have characteristics similar to a dwelling.
9. Up to four children would live at the property. There would be comings and goings to and from school, and potentially other social and recreational outings. The submitted information identifies that the children would be supported by three staff present at the property during the day and two staff during the night. Whilst there would be vehicle or pedestrian movements generated at the shift changeover time, this would not give rise to large volumes of traffic. The children would have low-level care needs and so additional visits from care providers would be unlikely to be large.
10. Although there was no on-street parking at the time of my site visit, the submitted evidence suggests that it does occur to an extent. Provision is made

for four on-site parking spaces at the property. There would therefore be adequate on-site provision for the three members of staff at the property at any one time and an additional space for visitors or deliveries. As such, the proposed use of the property would be unlikely to increase on-street parking to such an extent that the living conditions of nearby residents would be significantly harmed.

11. Given the nature of the use, the level of occupancy proposed and baseline characteristics of the area, I am not persuaded that the change of use would result in a significant increase in activity, disturbance or noise for neighbouring residents. The nature of the proposed use and associated comings and goings would not be significantly different to the use of the property by a large family. Nor would it be significantly different to its occupation by six residents living together as a single household (including a household where care is provided for residents), which could take place without the need for planning permission.
12. Accordingly, there would be no unacceptable harm to the living conditions of neighbouring residents due to noise and disturbance, including from on-street parking.
13. The proposal would therefore accord with Policies ENV1(1 and 2) and EMP6(B-1) of the Selby District Local Plan adopted 2005 (the Local Plan). These policies require account to be taken of the effect on the amenity of adjoining occupiers and the car parking arrangements, and that the nature and scale of proposals for business developments are appropriate to the locality. It would also accord with Policy SP13 of the Selby District Core Strategy Local Plan adopted 2013 (the Core Strategy) which requires proposals for economic growth to seek a good standard of amenity amongst other matters. The proposal would also comply with the design objectives of the National Planning Policy Framework (the Framework), which require that developments have a high standard of amenity for existing users amongst other considerations.

Character and Appearance

14. The site is located within a mainly residential area. The properties on South Duffield Road in the vicinity of the site are mainly a mix of two storey semi-detached and detached dwellings and bungalows, with front gardens and drives providing on-site parking.
15. For the same reasons as given above, the proposed use would not manifest itself significantly differently from the occupation of the property as a single dwelling in terms of its effect on the character and appearance of the area. The type and level of noise generated would be relatively characteristic of a residential property. The provision of four on-site parking spaces to the front of the property is not dissimilar to a number of the nearby dwellings. The on-site parking provision would be unlikely to lead to additional on-street parking to a level that would be harmful to the character and appearance of the area.
16. Consequently, the proposal would not harm the character or appearance of the area. It would therefore accord with Policies ENV1(1) and EMP6(B-1) of the Local Plan, Policies SP13, SP18 and SP19 of the Core Strategy and the design objectives of the Framework. In summary, these seek to ensure that developments are sympathetic to or maintain local character and distinctiveness, and that the nature and scale of proposals for business developments or economic growth are appropriate to the locality and do not

harm the character of the area, amongst other matters. The proposal would also accord with Policy ENV1(2) of the Local Plan which requires car parking arrangements to be taken account of.

Highway Safety

17. South Duffield Road in the vicinity of the site is a two-way road with a pavement on both sides, no parking restrictions and a 30mph speed limit.
18. The appellant has drawn attention to the parking standards in Appendix 4 of the Local Plan and interim guidance¹ prepared by North Yorkshire County Council, the Highway Authority (the NYCC guidance). There is no parking standard set for the type of use proposed. The closest relatable use is for community housing for the handicapped. The appellant confirms that the children who would live at the property would not be handicapped and so the transport requirements are not directly comparable.
19. The Highway Authority has recommended that five spaces should be provided, comprising two non-resident staff and one resident staff spaces, one space for visitors and a delivery space. The proposal makes provision for four on-site parking spaces of the size specified in the NYCC guidance.
20. The properties in the vicinity of the site generally have on-site parking provision. The submitted evidence suggests that there are low levels of on-street parking on South Duffield Road. During my site visit on a weekday afternoon, which I appreciate is a snapshot in time, I did not observe any on-street parking on South Duffield Road in the vicinity of the site. Whilst there are drives at regular intervals along the road, there is still capacity for on-street parking without blocking existing accesses, including the one almost opposite the property.
21. The road has a reasonable width and the appellant's highways technical note² confirms that it would be wide enough for HGVs to pass a parked car. There is no substantive evidence to suggest that on-street parking would prevent larger vehicles including farm vehicles from travelling along South Duffield Road.
22. Whilst there may be some demand for on-street parking within the vicinity of the site, there is little substantive evidence to demonstrate that existing on-street parking causes significant harm to the free flow of traffic or highway safety. Consequently, I conclude that were there to be some increase in on-street parking associated with the proposal, this would not exacerbate on-street parking to the extent that there would be an unacceptable impact on the free flow of traffic or highway or pedestrian safety.
23. The proposal would therefore accord with Policy ENV1(2) of the Local Plan, which requires car parking arrangements to be taken account of, amongst other matters. It would also accord with the advice in the Framework, including that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

¹ Interim Guidance on Transport Issues including Parking Standards and Advice on Transport Assessments and Travel Plans, 2015

² TN01 – Proposed Parking Provision, 7 April 2021, Connect Consultants

Conditions

24. The Council has not suggested any conditions to be imposed in the event that I allow the appeal. However, as well as the standard time condition, and for certainty, one is required to ensure that the development is carried out in accordance with the approved plans. It is also reasonable and necessary to impose a condition restricting the number of residents in the property to ensure a suitable quality of accommodation for its occupiers and to safeguard the living conditions of neighbouring residents. To ensure that adequate provision is made for on-site parking, a condition requiring the laying out and retention of the parking areas shown on the approved plans is necessary.

Conclusion

25. For the reasons given above, having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should succeed.

F Wilkinson

INSPECTOR