



Appeal Decision

Site visit made on 9 December 2024

by David M H Rose BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2024

Appeal Reference: APP/R1010/W/24/3348478

16 The Chine, Broadmeadows, South Normanton, Alfreton, DE55 3AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by One Home Property UK Ltd against the decision of Bolsover District Council.
 - The application Reference is 24/00102/FUL.
 - The development proposed is Change of Use of Existing Dwellinghouse (C3 Use) to Children's Care Home for up to 3no. Children (C2 Use). Minor facilitating works comprising widening of driveway and vehicle access.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by One Home Property UK Ltd against Bolsover District Council. This is the subject of a separate Decision.

Main Issues

3. The main issues, flowing from the Council's decision to refuse planning permission, are whether the use would be unacceptably reliant on the private motor vehicle for travel to and from the site and access to key services and facilities; and the effects of vehicle movements and parking on the residential amenity of the area.

Reasons

Access to key services and facilities

4. Number 16 The Chine is a substantial detached house, with an attached annex, containing a total of seven bedrooms. It is situated on a corner plot at the southern edge of a large, late twentieth century, housing development.
5. The proposal, as set out in the Appellant's Statement of Case, is to use the property to accommodate three young people aged between seven and 17 who have a range of complex individual needs.
6. Support would be provided by a weekday, day-time, registered manager, and a small team of round the clock support workers who would be on site on a rota basis, with a maximum of four staff present at any one time. The weekly staff rota shows a staggered arrangement of shift patterns with one member of staff sleeping at the property overnight.

7. The appeal property is located within the development envelope for South Normanton, where development proposals will be acceptable in principle. The main centre of the settlement is approximately one mile away and Frederick Gent School is a little less distant. The nearest bus stops are along The Common at a distance of 0.6 miles. Here there is also a 'corner shop' and food related uses. These are all within safe walking distance. The same cannot be said for the facilities in Pinxton, again about a mile away, as the route lacks footways in places.
8. It is evident that Broadmeadows in general, and the locality of the appeal site more particularly, is likely to be heavily dependent on car based journeys for shopping and access to other facilities. Although the bus stops can be considered to be within a convenient 10 – 15 minute walking time, one of the two services has limited frequency and the bus service along The Chine has ceased to run.
9. It is acknowledged that the existing house, with its generous accommodation, could accommodate a large socially active, perhaps multi-generation, family with several vehicles and different patterns of daily movements for employment and recreation. It is also noted that it could be used as a House in Multiple Occupation, as defined, without planning permission.
10. It is claimed that the maximum number of young adults and support staff housed at number 16, at any one time, would be less than a conventional residential use. However, the illustration in the Design and Access Statement is purely of staff movements arriving for, and departing from, duty. The recognition of 'occasional' other social and shopping journeys is not quantified. Other intermittent or random trips or visits are also likely to be associated with, or a consequence of, the use.
11. Despite the Appellant's intended measures to limit car journeys by incentivising non-car use, there is no certainty that this could be secured in a meaningful way. To my mind, the claimed vehicular movements appear to be grossly underestimated and the reality of minimising car journeys is not sufficiently made out.
12. Policy SS1 c),¹ under the heading Sustainable Development, indicates that development proposals should '*locate development in close proximity to trip generators with the aim of reducing the need to travel by non-sustainable modes of transport*'.
13. Notwithstanding the location of the appeal site on the outer edge of an established residential area, and its relationship with key facilities, it cannot be said that it is '*within a highly sustainable location*' as claimed by the Appellant. To my mind, there is an inevitable likelihood that the majority of journeys would involve a car and the proposal would be in conflict with this part of the policy.
14. On this basis, I conclude that the proposed use would be unacceptably reliant on the private motor vehicle for travel to and from the site and access to key services and facilities.

¹ Local Plan for Bolsover District March 2020

Residential amenity

15. On this second issue, The Chine, as a continuation of Hill Fields, effectively defines the southern edge of Broadmeadows in this location. The Chine links Birchwood Lane with Storth Lane and in turn to The Common/ Mansfield Road and Pinxton. It serves a number of secondary residential roads and culs-de-sac and a significant quantity of dwellings.
16. Vehicular movements to and from number 16 are therefore to be viewed in the context of predictable regular passing traffic. Additionally, houses in the locality along The Chine are not tightly knit; and the opposite road frontage is undeveloped taking the form of a landscaped buffer to the A38 dual carriageway. Vehicular movements to and from the proposed use are therefore unlikely to be unduly intrusive to nearby residents.
17. As to parking, it has been demonstrated that, with minor works, the front forecourt could accommodate four vehicles with space for each to turn. In the event of short stay or drop off road parking, number 16 has a wide main road frontage and a return into The Pemberton.
18. Nonetheless, given that the locality is wholly residential, the introduction of a use which relies on staff arriving for, and departing from, work over a wide range of hours would be perceived as being materially different in character and function. Whilst this is likely to have a minimal effect on the residential amenity of the area in general, it would be in conflict with Policy SC1 a) which requires proposals to be appropriate in scale, design and location to the character and function of the area.
19. Policy SC1 d) also sets out that development proposals should accord with other Policies of the Plan. It has already been established that the proposal would be in conflict with Policy SS1 c).

Other matters

20. There are two further development plan policies of particular relevance to my consideration.
21. Firstly, Policy SS1 f) indicates that development proposals should '*promote the social and economic wellbeing of Bolsover District's communities, contribute to reducing social disadvantages and inequalities and create a positive image of the District*'.
22. Secondly, Policy LC3, states '*The Council will also support the provision of specialist housing in appropriate locations and where there is an identified need and where proposals accord with other Policies of the Plan*'.
23. It is pertinent to note that Derbyshire County Council's Children's Services, in its consultation reply, reports '*..... we have fewer children's homes across our footprint than other authorities. We do have children placed at a distance and therefore any new provision from private organisations could be useful to increase supply in a more local area*'.
24. Ofsted has also identified the national challenge in providing places for children close to their families: '*Children need provision of the right care, in the right place, at the right time* '.

25. The proposal therefore reflects both of these policies. It also chimes with the Ministerial Statement² in the terms that *'the planning system should not be a barrier to providing homes for the most vulnerable children in society These need to be the right homes, in the right places with access to good schools and community support'*
26. Overall, it can be seen that in this case there is a tension between the respective development plan policies. Nonetheless, Policy LC3 is qualified by the words *'in appropriate locations and where proposals accord with other Policies of the Plan'*. Given my findings on the first main issue, and taking account of Policy SS1 f), I give greater weight to Policy SS1 c).
27. Substantial weight accrues to the principle of providing accommodation of the type proposed. However, such benefits cannot be considered in isolation and I regard the deficiencies of the location of the site relative to trip generators to be a fundamental and outweighing consideration.
28. The conflict with Policy SC1 a) and d) is an added factor. From my consideration of all other material considerations, including national policy, I have found nothing of sufficient weight to change my conclusions and determination in accordance with the development plan.
29. The proposal would therefore be in conflict with the development plan read as a whole.

Conclusion

30. For the reasons given above the appeal is dismissed.

David MH Rose

Inspector

² Ministerial Statement issued by the Minister of State for Housing and Planning: Planning for accommodation for looked after children – Statement made on 23 May 2023