

DELEGATED FILE NOTE

CASE OFFICER: ...Melissa Tyler.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/00738/FP	Change of use from a single residential dwelling (Use Class C3) to a children's care home (Use Class C2) for up to two children (Development has begun).	Edgely Grange Bottom Royston Hertfordshire SG8 9UQ

Submitted Plan Nos

Location Plan 21/027-04A Site Layout Plan

1.0 Policies

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National Planning Policy Framework

The following paragraphs of the NPPF are considered relevant to the determination of this application:

Paragraphs 7, 8, 10 and 11 - Achieving sustainable development

Paragraphs 39, 48, 56 and 57 - Decision-making

Paragraph 96 - Promoting healthy and safe communities

Paragraphs 109, 115-118 - Promoting sustainable transport

North Hertfordshire District Local Plan 2011-2031 Local Plan and Proposals Map

HS3 Housing Mix

HS4 Supported, Sheltered and older persons housing

D3 Protecting Living Conditions

T2 Parking

Supplementary Planning Document.

Vehicle Parking at New Development SPD (2011)

Design 2013

Sustainability 2025

2.0 Site History

2.1 Extensive history see file

3.0 Representations

Statutory Consultees

3.1 **Herts Highways** - Hertfordshire County Council as Highway Authority has considered that the proposal is of low scale development therefore the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway consequently has no objections on highway grounds.

3.2 **Environmental Health (Noise)** - Further to the submission of an operating management plan dated 15th June 2026 I have no objections to the application subject to a condition requiring the facility to operate in accordance with the submitted details.

3.3 **Crime Prevention Design Advisor – Hertfordshire Constabulary** – raised concerns over layout. However, no further representations have been received following consultation on amended plans.

3.4 **Neighbour Representations**

None received

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is detached 4 bed bungalow situated on a large, elevated plot on the north side of Grange Bottom, Royston. The property features a substantial hardstanding area to the front for offstreet parking spaces and a double garage, and a private residential garden/amenity space to the rear.

4.2 **Proposal**

- 4.2.1 Planning permission is sought for the change of use of existing residential dwelling (C3) to registered Children's Home (C2) for up to 2 children

4.3 **Key Issues**

- 4.3.1 In considering a change of use from dwelling house (Use Class C3) to residential institution (Use Class C2) to accommodate up to 2 children in a small children's home, the relevant planning considerations are:

- ☐ Principle of development – definition of use class and material change of use;
- ☐ Impact upon local amenity and character of the area – including noise and safe environment; and
- ☐ Parking provision.

Principle of Development

- 4.3.2 The application site is in a residential area within the settlement boundary of Royston as defined in Policy SP2 of the adopted Local Plan.
- 4.3.3 The proposal seeks to change the existing use of the residential dwelling to a children's care home, for two children. With a three staff members working in shifts to provide 24 hr care.
- 4.3.3 The site is located in a residential area of Royston approximately half a mile from the town centre. As such, it is considered that the site is in a location that could be accessed by members of staff via sustainable transport and could be used by the occupiers of the care home if required.
- 4.3.4 In regard to amenities, the property is within close proximity to primary school and Royston has 1 secondary school. The property would also have access to public open spaces with play areas at Studlands Rise a short walk from the property.
- 4.3.5 During the course of the application, concerns were raised in relation to the need for such a use and the lack of provision/space at the dwelling for the use. Regarding need, there are no policies at local or at national level that restricts the number of care homes

that can or should be provided within a certain area. In terms of the lack of provision/space for the proposed use, it is considered that the number of individuals at the property would not increase above what could be achieved with the existing use as a residential dwelling and separate legislation would ensure that the needs of the occupants are/can met (for example, OFSTED and Child Services).

Use Class C2 – Residential Institutions

4.3.6 A change of use from Use Class C3 to Use Class C2 requires planning permission and is considered on a case-by-case basis depending on the nature of the use, intensity and impact.

4.3.7 Given the proposal is that the ‘staff’ would not be permanent residents of Edgely, Grange Bottom, Royston the use would fall within Use Class C2. The [Use Classes Order 1987](#) (as amended) defines C2 as residential institutions. The full description is use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a boarding school, residential college or residential training centre.

“care” for Use Class C2 is defined as *‘personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment’*. This is within [Article 2](#) of the Use Class Order 1987.

Case Law – C3/C2

4.3.8 Established case law provided for by the North Devon judgement in respect of a house used to care for children provides understanding of the use of a Children’s Care Home which is a fundamental basis of determining the application. This case considered whether a dwellinghouse used to provide residential care for two children fell within Class C2 or C3(b). Only the children would live permanently on the premises; the carers being resident elsewhere and providing care on a shift rota system. In the North Devon case, the property was being used as a home for two children. Two non-resident staff were always at the property with a shift system operated by 6 to 7 carers to maintain the requisite cover. The application was based on the premise that the children by themselves would constitute a single household with the use falling within Class C3(b). Crucially, the Judge found that the children could not be regarded as constituting a household by themselves. The question also arose as to whether carers who do not live on the premises but who, between them, provide 24-hour care can be regarded as living together as part of the household. The court held that the concept of living together as a household means that a proper functioning household must exist and thus, for the use to fall within Class C3(b), the children and carers must reside in the premises. Otherwise, the use falls within Class C2.

Impact upon local amenity and character of the area

4.3.9 While considering the application occupiers of neighbouring properties raised several concerns over the proposed development and its impact on their residential amenity.

No physical development is taking place, the assessment on the impact upon neighbouring amenity relates to the proposed use.

- 4.3.10 No Objections have been received from occupiers of neighbouring properties. In the proposal, the number of bedrooms at the property would remain unaltered and it is therefore considered that the number of permanent occupants at the property is unlikely to increase. On this basis I conclude that there will not be a significantly detrimental impact on the neighbouring properties amenities from general activity from and from the property.
- 4.3.11 Furthermore, the applicant has confirmed that no more than 2 children would be permanent residents of the property at any given time. The application included the staff rota which details when staff will be arriving and leaving the property. The shift patterns have been stated by the applicant as follows - A maximum of 3 full-time carers based on the property at any one time working generally on a 12-hour shift basis. Handovers would likely be around 07.30-0800am and 1930- 2000pm daily and take a maximum of half an hour for change over.
- 4.3.12 It is my opinion that this shift pattern is not considered to result in any significantly detrimental noise and disturbance impacts on neighbouring properties amenities as these would coincide with typical movements for the working day and school and would not be significantly different from the normal patterns of movement from and to a typical family home.
- 4.3.13 On balance, it is considered that the general noise and disturbance impacts would not be significantly different from that at a family dwelling and therefore refusal of planning permission is not justified for this reason.
- 4.3.14 The children's care home is proposed to have 24 hr care with the children not being left unsupervised for any period, unlike a family home where children of this age group may be left at home unaccompanied some of the time. In coming to a recommendation of approval, it is noted that the Council's Environmental Health department have raised no objections to the application subject to conditions.
- 4.3.15 It is considered that the proposal would not result in significant impacts upon surrounding residential amenity that would warrant refusal of planning permission and on this basis the proposal accords with the general policy aims of Local Plan Policy D3.

Parking provision

- 4.3.16 As a result of the proposed development, the number of bedrooms would not increase at the property. The Parking SPD states that Use Class C2 – Residential institutions Institutions/homes with care staff on premises at all times (excluding nursing homes, hospitals, residential schools, colleges or training centres) 1 space per 5 residents' bed spaces plus 1 space per 2 staff (non-resident).
- 4.3.17 There are no specific parking standards for children's care homes in the Local Plan or Parking SPD. Based on the above. It is considered that given the existing dwelling is required to have a minimum of 2 off-street car parking spaces and the small number of people residing at the property are unlikely to have the use of a vehicle given the age of the residents (under 18), the proposal is not considered to result in an unacceptable

impact on highway safety or the wider highway network. A condition would be imposed on any planning permission granted to ensure that the 5 off-street car parking spaces shown on the Location plan are provided in perpetuity. On balance, the proposal is therefore considered to be acceptable in relation to Policies D1 and T2 adopted Local Plan as well as the Parking SPD.

4.4 Conclusion

- 4.4.1 The principle of development is acceptable. No external alterations are proposed. On balance, it is considered that the proposed change of use would not be significantly detrimental to the amenities of neighbouring residents. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal would comply with the relevant policies in the adopted Local Plan and the NPPF. It is therefore recommended that the application be granted subject to conditions as recommended below.

5.0 Recommendation

- 5.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. The use hereby permitted shall be for a children's home only and shall not be used for any other purpose falling within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) without the prior written consent of the Local Planning Authority. The use shall operate in accordance with the submitted Site Management Plan (SMP) submitted 20 March 2026.

Reason: To control the future use of the site and to assess any potential future impacts of alternative C2 uses and to protect the amenities of neighbouring occupiers, to comply with Policy D3 of the North Herts Local Plan 2011-2031.

4. The premises shall be used for a residential childrens' care home for a maximum of two (2) children up to the age of 18 at any one time and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 2020 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To restrict the use and number of occupiers to safeguard the local amenities of neighbouring properties to comply with the provisions of Policy D3 of the Local Plan 2011-2031.

5. There shall a maximum of three (3) members of staff present on the premises at any one time, excluding emergency circumstances.

Reason: In the interest of residential amenity and to limit potential noise and parking impacts and in accordance with Policy D3 of the North Hertfordshire Local Plan 2011-2031.

6. Prior to the occupation of the children's care home hereby permitted, a minimum of three off-street car parking spaces and the two spaces within the double garage shall be provided for staff members and shall thereafter be kept available solely for the parking of motor vehicles.

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development.

Biodiversity Net Gain

1. This development is not subject to the statutory Biodiversity Gain Plan condition because it is considered exempt under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>) or transitional arrangements in respect of the biodiversity gain condition.

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 1 July 2026	