

DELEGATED FILE NOTE

CASE OFFICER: ...Tom Rea.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/01765/FP	Change of use from 5-bed dwelling (C3) to 5-bed childrens care home (C2 residential institution). (As amended by plan no. 101AR-01 Rev A)	Hayes Cottage 1 West Lodge Putteridge Park Luton Hertfordshire LU2 8LA

Submitted Plan Nos

101AR-01 101AR-02

1.0 Policies

1.0 **Policies**

National Planning Policy Framework (2024)

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

Paragraphs 153 , 154 – Protecting Green Belt land

Supplementary Planning Document.

North Herts Parking SPD

Sustainability SPD

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

Policy HS3 Housing Mix

Policy HS4 Supported, Sheltered and older persons housing

Policy D3 Protecting Living Conditions

Policy T2 Parking

Policy SP5 Countryside and Green Belt

Policy SP8 Housing

Policy SP9 Design and Sustainability

Neighbourhood Plan

There is no made Neighbourhood Plan for Offley Parish

2.0 **Site History**

2.1 00/00398/1HH: Two storey side extension granted and implemented.

3.0 **Representations**

3.1 **Statutory Consultees**

3.2 **Herts Highways –**

Advises that Highway Authority considers that the proposal would not materially affect the safety and operation of the wider public highway network and therefore does not wish to restrict the grant of permission.

3.3 **Environmental Health (Noise) –**

The application is now supported by an updated Operational Management Plan. Whilst this does not specifically relate to noise generation, I raise no objection subject to a condition requiring the home to be operated in accordance with that plan.

Additionally, a condition requiring the installation of one electric vehicle charging point is recommended in accordance with the North Herts Air Quality Planning Guidance.

3.4 **Crime Prevention Design Advisor – Hertfordshire Constabulary –**

Raised initial concerns over layout. However following the submission of amended floor plans and the revised Operational Management Plan the CPDO advises that there are no further concerns and that the Police are in a position to support the application.

3.5 **NHDC Conservation officer –** Advises that the application is unobjectionable in heritage terms.

3.6 **The Gardens Trust –**

No response to consultation

3.7 **The Crown Estate –**

No response to consultation

3.8 **Luton Borough Council –**

No response to consultation

3.9 **Offley Parish Council -**

No response to consultation

3.5 **Neighbour Representations**

Two standard letters of objection have been received from 26 neighbouring residents as well as several other individual responses totalling 40 objections. Full details of the comments raised in these letters and other representations are published on the Council's web site.

The comments from residents include the following concerns :

- ☐ Incompatibility with Residential Amenity and Neighbourhood Character (Contrary to Policy SP9, Saved Policy 57, and NPPF Paragraph 130)

- ☐ Adverse Traffic, Parking, and Highway Impacts (Contrary to Policy T1 and NPPF Chapter 9)
- ☐ Inaccuracies in Consultee Assessment
- ☐ Safeguarding Risks and Proximity to Educational Facilities (Contrary to Policies SP11 and ETC8, NPPF Paragraphs 92-93, and Children's Homes Regulations 2015)
- ☐ Inadequate Environmental and Biodiversity Considerations (Contrary to Policy NE1, NPPF Chapter 15, and Environment Act 2021)
- ☐ Inconsistencies and Lack of Robust Evidence (Potential Invalidity under Town and Country Planning Act 1990)
- ☐ Loss of Family Housing and Lack of Demonstrated Need (Contrary to Policies HS2, SP2, and NPPF Housing Principles)
- ☐ Broader Community and Economic Impacts (Contrary to Policy SP1 and NPPF Paragraph 8)
- ☐ Concerns About legal compliance with Children's Homes Regulations, Children's Act and GDPR:
The proposed home has not been registered with Ofsted. No GDPR policy / compliance framework.
- ☐ Registered Managers Duties and Staff Hiring / Training
No registration with Ofsted contradicts the Operational Management Plan (OMP). The absence of documented staff training programs, specific Disclosure and Barring Service (DBS) check results, or details of the induction process further questions the manager's ability to safeguard children effectively, particularly in a rural setting with unique risks such as proximity to woodlands and unlit roads
- ☐ Training and Zero-tolerance policies
No Ofsted registration to validate the training / policies in the OMP
- ☐ Lack of compliance with Ofsted standards
- ☐ Lack of detail and clarity on team meetings, shift patterns and quality care standards
- ☐ Lack of liaison with other authorities
- ☐ Environmental Health officers comments do not address the impact
- ☐ Future / planned alterations may impact the Conservation area
- ☐ Lack of consultee comments and residents exclusion
- ☐ General breach of several policies in the Local Plan and the guidance in the National Planning Policy Framework
- ☐ Generally unsuitable location for the home
- ☐ Disruption to the tranquillity of Putteridge Park and surrounding areas
- ☐ Lack of environmental assessments
- ☐ Inappropriate intensification of use in a rural setting.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 Hayes Cottage, 1 West Lodge, is a detached residential property located on the south side of Putteridge Road just 70 metres east of Putteridge High School.

The site is located within the Green Belt. The site is located within the Grade II listed Putteridge Bury Park and Garden. There are three listed buildings located within Home Farm Court approximately 270 metres to the north east of No. 1 West Lodge.

The house itself is two storey with a two storey side extension on its western side. The property contains five bedrooms and an integral garage. It has a large rear garden approximately 240 sqm in area. The site has a parking area directly in front and has a vehicular access onto Putteridge Road. The Crown Estate owns land immediately to the west of the dwelling and a strip of land across the front of the property. Notice has been served on the Crown Estate.

Located opposite the site and to the north west are three pairs of semi-detached dwellings which together with No. 1 form this small group of dwellings either side of Putteridge Road. No. 1 also abuts the district boundary with Luton Borough Council.

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)
- 4.2.2 The application is accompanied by floor plan drawings, elevation drawings and an Operational Management Plan.
- 4.2.3 As a result of the proposed change of use, no external alterations are proposed other than the provision of a window to the existing garage.

4.3 Key Issues

- 4.3.1 The following key issues are for consideration:

- ☐ Principle of development
- ☐ Living conditions and impact upon local amenity and character of the area
- ☐ Consideration of the Public Sector Equality Duty under the Equality Act 2010.
- ☐ Parking provision / Highway impact
- ☐ Heritage impact
- ☐ Other matters

Principle of Development

- 4.3.2 The proposal seeks to change the existing use of the residential dwelling to a children's care home falling within Class C2.
- 4.3.3 The proposals constitute development through a material change of use from Class C3 to Class C2 therefore the first consideration is whether the development is acceptable in land use Policy terms given the location of the site in the Green Belt., the loss of a single family dwelling and compliance with Policy HS4.
- 4.3.4 Green Belt

- 4.3.5 Paragraph 153 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness (other than in the case of previously developed land or grey belt land where development is not inappropriate). The definition of 'previously developed land' is set out in Annex 2 (Glossary) of the NPPF as below: .

'Previously developed land: Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'

- 4.3.6 In this case the property has been lawfully developed and is occupied by a permanent structure and has fixed surface infrastructure (i.e. hardstanding). It is not located in a built up area as evidenced by its rural location in the Green Belt. Therefore the site is previously developed land. Paragraph 153 outlines that harm to openness from development in the Green Belt is a consideration except for previously developed land. As such, there can be no harm to openness arising from the proposed change of use.
- 4.3.7 Paragraph 154 of the NPPF sets out a number of categories of development that are not inappropriate in the Green Belt and this includes at criteria h):

iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;

v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);

In this case the re-use involves a building of permanent and substantial construction and a material change of use of the land. Therefore the development cannot be considered inappropriate development in the Green Belt.

- 4.3.8 As the development is on previously developed land there is no requirement to consider the visual and spatial dimensions of openness. Even so, with no physical changes to the existing size and scale of the property there would be no spatial impact. In visual terms there may be some additional comings and goings from the property over and above the normal activity associated with a residential dwelling of this scale but this additional activity would be marginal bearing in mind the limited number of staff and residents on site at any one time.
- 4.3.9 Paragraph 143 sets out the five purposes of Green Belt. In this case there would be no unrestricted urban sprawl, no towns merging into one another, no encroachment into the

countryside, no impact on historic towns and no impact on urban regeneration. The proposed development would not therefore conflict with Green Belt purposes.

- 4.3.10 Policy SP5 of the NHLP says that the Council will only permit development proposals in the Green Belt where they would not result in inappropriate development. It has been demonstrated above that the proposals would not amount to inappropriate development.

Accordingly, the proposed development does not conflict with Green Belt policy at a national (i.e. The Framework) or local level (NHLP).

4.3.11 Loss of a single family dwelling

- 4.3.12 Whilst North Herts District Council cannot currently demonstrate a deliverable five year supply of housing land there is no specific policy in the North Herts Local Plan which would prevent the loss of a dwelling through development. Therefore there is no conflict with the Local Plan in this regard.

- 4.3.13 As part of the Government's objective of significantly boosting the supply of homes, the National Planning Policy Framework states that the needs of groups with specific housing requirements should be addressed. The Government is also committed to supporting the development of accommodation for looked after children and this scheme would support this.

4.3.14 Compliance with Policy HS4

- 4.3.15 Policy HS4 supports sheltered and supported housing in use classes C2 and C3 provided:

- a) there is good access to local services and facilities;
- b) the site is well served by public transport;
- c) appropriate levels of on-site landscaping, amenity space and car parking (for residents, visitors and staff) are provided; and
- d) it would accord with Policy HS3(b).

- 4.3.16 In this case No. 1 West Lodge abuts the built up eastern edge of Luton where there are a number of local services including:

- ☐ Putteridge Primary and High Schools within 250 metres
- ☐ Local shops at junction of Putteridge Road / Stapleford Road within 610 metres
- ☐ Bus stops along Putteridge Road
- ☐ Footpath links into Luton along Putteridge Road
- ☐ Wandon Public Park and Playing Fields (520 metres to the south)
- ☐ Luton Sports village (1100 metres)

The development site is therefore in a sustainable location, accessible by public transport and close to a range of local services.

4.3.17 The application site has a good size rear garden (230 sqm) and parking for at least 3 cars. Residents will be 18 years or under and unlikely to have cars. Car parking will be primarily for staff and visitors .

4.3.18 The use of the dwelling as a home for a small number of children, with no extensions to the property proposed, means that the development would be of a density, scale and character appropriate to its location and surroundings in compliance with Policy HS3 b).

4.3.19 In view of the above the proposal would meet the housing needs of the area, comply with Policies SP8 and HS4 of the NHLP insofar as they state that the Council will seek to identify sufficient land and buildings to provide for housing needs and aspirations of the whole community.

4.3.20 Living conditions and Impact upon local amenity and character of the area

4.3.21 The application site comprises a reasonably substantial detached house with five bedrooms and an internal garage. There are parking spaces in front of the house and to the side. The house is located in rural surroundings on the edge of a large urban area. There are 7 other residential properties in this group of houses which form a small residential enclave on the edge of Luton.

4.3.22 The building is currently a five bedroom dwellinghouse and adults would be expected to leave for work in the morning and children might leave for school or work, dependent on their age. In the evening, they would then return from work or school and may again leave for social reasons. People may also visit the dwelling and deliveries are likely made. As such, comings and goings from the property would take place but during the day it is likely that there would be little activity in the house. However, this would not necessarily be the case in all instances, with an increased number of people working from home. Additionally, children with specialists needs who need around the day care can live in C3 dwellinghouses, not dissimilar to the proposed use.

4.3.23 While some journeys to and from the property could be made by sustainable forms of transport, each adult living in the property could have access to a private motor vehicle. As such, there could be around 5 vehicles in use associated with this property with coming and goings in the morning and evening.

4.3.24 The proposal would seek to use the dwelling as a C2 children's care home to provide a home for four children. There would be a Registered Manager operating on site between 09:00 – 17:00 with two staff members and two support carers would stay in the property overnight. The shift change over patterns would be similar to working age people leaving for / arriving from work and schoolchildren leaving for / arriving from school. As such the shift changeover would occur when most people including neighbours would be awake or would already have left for work. Furthermore any noise or disturbance during the changeover would only occur for a short period of time.

4.3.25 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.

- 4.3.26 There would be 3 employees working on the site at any one time and they may travel by car, however there are three vehicular spaces towards the front of the dwelling as well as to the side. The property is a detached dwelling and there is a modestly sized gap between it and the neighbouring dwelling. There is no neighbour to the west. As such, the separation distance between the neighbour to the east as well as those on the opposite side of the road to the application property would ensure the noise and disturbances from comings and goings from the application property, including the opening and shutting of car and house doors, would not be harmfully disruptive to neighbouring occupiers. Particularly taking into consideration the number of people and thus activity that could take place associated with the existing dwelling.
- 4.3.27 When considering the size of the property and the number of people who can or could already live in it, there is little substantive evidence that the movements associated with the proposed use, even taking into consideration visits from social workers and other visitors, would result in a materially greater level of noise and disturbance above and beyond the existing use to such a level that would cause seriously harmful disruption to neighbouring residents. Additionally, the application property is located in a residential area where similar noise disturbances are likely to commonly occur.
- 4.3.28 Even during shift changeovers and emergencies, there is limited evidence that the proposed level of activity would be significantly more disruptive than if the building remained in C3 use.
- 4.3.29 The external appearance of the building is not proposed to be materially altered by this proposal. Additionally, there is already space for parking in front of the building and this would be reused and thus externally the day-to-day use of the building would not significantly alter how the building would be perceived within the street scene.
- 4.3.30 A building in C2 use is still classed as residential, and the day-to-day use of the building would be very similar to a dwelling with the care home providing a home for the children. This is not substantially different to a Use Class C3 dwelling where children with specialist needs can live. The type of noise and disturbance from this use would not be materially different from that which can occur in a dwelling. It is noted that the Environmental Health officer raises no objections provided that the use is carried out in accordance with the details set out in the OMP which covers the following matters :
- ☐ Selection criteria for the admission of residents
 - ☐ Monitoring and surveillance of children and young people
 - ☐ Zero-tolerance policy for bullying behaviour
 - ☐ Anti-discriminatory practice with respect to children and their families and children's rights
 - ☐ Arrangements for supporting cultural, linguistic and religious needs of children
 - ☐ Parking
- 4.3.31 Children in care can have a wide variety of needs but there is no substantive

evidence that they would all cause significantly harmful disruption to the neighbouring occupiers. Indeed, the OMP clearly provides procedures that would be in place to deal with behavioural issues that arise. Consequently, the use would be compatible with the adjacent uses and would not appear out of character in this residential area.

4.3.32 Therefore, for the reasons given above, the proposal would not harm the living conditions of the neighbouring occupiers and would not harm the character or appearance of the area. Consequently, the proposal would comply with Policies D3 and SP9 of the Local Plan.

4.3.33 Consideration of the Public Sector Equality Duty under the Equality Act 2010.

4.3.34 The submitted objection letter signed by multiple residents (10th October 2025) raises concerns that the children living at the proposed facility with behavioural issues represents a safeguarding threat to nearby elderly residents and would create access issues for disabled residents (paragraph 21 and 24). It is acknowledged that people within certain age groups and with disabilities have protected characteristics for the purposes of the Public Sector Equality Duty (PSED). It is therefore necessary to have due regard to the PSED contained in Section 149 of the Equality Act 2010.

4.3.35 The safety of elderly residents and those with disabilities is of paramount importance and significant weight should be attached to this issue. However, given that the development only relates to four to five children and taking into consideration the staff to child ratio that would be employed at the Care Home, it is not considered that there is substantive evidence to conclude that permitting the development would threaten the safety of local residents. Taking all aspects of the scheme in mind, including the safeguards that the site would operate an Operational Management Plan and be regulated by Ofsted, the development would not result in the increased exposure of vulnerable individuals to risk and would not result in significant harm.

4.3.36 Herts Police in their original consultation response raised several concerns however these objections have been overcome and the Police Authority now lends its support to the proposals. Whilst crime and the fear of crime are material planning considerations, the applicant has provided sufficient information through the OMP to show that the home will be managed with effective policies and procedures in place to ensure the welfare of the children and also minimise any disturbance to local residents.

4.3.37 It has been found above that the development would not be harmful to the living conditions of neighbouring occupiers with regard to noise and disturbance, and therefore does not result in significant harm to the vulnerable neighbouring occupants. The benefit of the development is to provide residential care for vulnerable children, the needs of which must also be considered under the PSED, which weighs significantly in favour of the development.

4.3.38 In view of the above analysis and having regard to the need to provide a sufficient number of homes for different groups in the community, a refusal of permission would not be proportionate and necessary. I consider that due consideration has therefore been given to the duty of the Local Planning Authority to take account of Section 149 of the Equality Act 2010.

4.3.39 Parking provision

4.3.40 The scheme is limited in scale and off-street parking is available on the application site. In light of the onsite parking and the number of workers to be employed and possible visitors there would only be a very limited increase in the number of vehicles that may need to park on the road and those visiting the site would do so irregularly. Given that there are no parking restrictions in Putteridge Road near the site and none on nearby Selsey Drive, it has not been robustly demonstrated that the development would have an unacceptable impact on highway safety. It is noted that the Highway Authority do not object to the development on highway safety or amenity grounds.

4.3.41 As a result of the proposed development, the number of bedrooms (5) would not increase at the property. The proposed use would see 5 bedrooms for the children and one room for staff. 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).

4.3.42 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 three off-street car parking spaces 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.

4.3.43 Heritage matters

4.3.44 The site is not in a Conservation Area but is within an Historic Park and Garden. The property would not change its outward appearance and parking provision would be the same as existing. The nearest listed buildings are over 270 metres away at Home Farm and there is no historic or functional connection between the site and Home Farm Court. The proposed development will have a neutral impact on the heritage assets mentioned. It is noted that the Council's Conservation officer raises no objections.

4.3.45 Other matters

4.3.46 Matters related to Children's Care and Safeguarding, including concerns regarding the registration of the business with Ofsted are dealt with under separate legislation.

4.3.47 Concerns have been raised by interested parties that the proposed development would be an inappropriate business use in this rural environment where there are many residential properties. However, the building would be used as a residential care home which would be appropriate in a residential area.

4.3.48 The proposed development does not affect any wildlife habitat and there would be no loss of existing landscaping or garden area. The development is exempt from the need to provide a 10% net gain in biodiversity under the Environment Act Regulations.

4.3.49 The proposed use would have no impact on local climate change.

5.0 **Conclusion**

5.1.1 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.

5.1.2 **Alternative Options**

None applicable

5.1.3 **Pre-Commencement Conditions**

I can confirm that the applicant agrees with the pre-commencement conditions that are proposed

6.0 **Recommendation**

6.1 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. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2015 (as amended) the premises shall be used solely for the purposes of a children's care home, as defined by Class C2 of that

legislation, and for no other purpose.

Reason: In order that the Local Planning Authority can exercise control over the development in the interests of residential amenity. To comply with Policies SP9 and D1 of the North Herts Local Plan 2011.

4. The use hereby permitted shall be operated in accordance with the submitted Operational Management Plan (as revised on 17.09.2025).

Reason: In the interests of protecting the residential amenity of the immediate locality. To comply with Policy D3 of the North Herts Local Plan.

5. Prior to the occupation of the children's care home hereby permitted, a minimum of three off-street car parking spaces 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. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. 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  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 22 January 2026	