

Head of Planning  
West Suffolk Council  
West Suffolk House  
Western Way  
Bury St Edmunds  
IP33 3YU

Date: 2<sup>nd</sup> April 2024  
Our Ref: Amy Richardson  
Your Ref:

Dept: Commercial Property

**By email only: [Greg.McGarr@westsuffolk.gov.uk](mailto:Greg.McGarr@westsuffolk.gov.uk)**

Dear Sirs

**DC/24/0123/FUL - Planning Application - Change of Use of Dwelling (Class C3) into Children's Care Home (Class C2)**  
**26 Hamlet Road Haverhill Suffolk CB9 8EH**

I have been instructed by my client Mr and Mrs Murgatroyd, who are the registered proprietor of No 28 Hamlet Road, which neighbours the application site.

My clients are not against the principle of a care home, but the application site is not suitable for this use, for the reasons set out below.

**Assessments of the Application**

1. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 (as amended) the Application must be determined in accordance with the Council's development plan unless there are material considerations that indicate otherwise.
2. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority.
3. The nature of the use means that it will bring with it an increase of vehicle movements over and above what you would expect for a 4 bedroom family property, even if all members of the family own and drive a car. The parking has been shown at the rear of the property, with 4 parking spaces laid out, but there is insufficient room for turning

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within the site itself. As such, cars parked at the site will need to reverse out on to the rear lane in order to leave the application site.

4. The application form confirms that there will be 8 full time staff on site, but it doesn't confirm how many staff are on site at any one time. The application does not show any visitor parking either, as it looks as though all 4 spaces would be needed for staff. Given the use of the property, it is highly likely that the occupants will have social workers/health workers, County Council education officers visiting, and it is difficult to see where they would park other than outside of the application site on the private lane. Policy DM46 of the Local Plan it states that "**All proposals for redevelopment, including changes of use, will be required to provide appropriately designed and sited car and cycle parking, plus make provision for emergency, delivery and service vehicles, in accordance with the adopted standards current at the time of the application.**" It simply cannot be claimed that this application has appropriately designed car parking, it is clearly substandard, and with little opportunity for parking in nearby public parking (as this is ½ mile away), and on road nearby is limited (given that some dwellings on Hamlet Road do not have off road parking), it is going to be very difficult for the site to operate in a way that doesn't cause harm to neighbouring residents. What is also of concern is that if the private lane became blocked with parked cars, then not only could neighbouring residents not gain access to their own parking, but most importantly, parked cars could block the way for emergency vehicles. This is a well used private lane, which needs to be kept clear for other residents and emergencies.
5. With the parking situated to the rear of the site and taking up almost the entirety of the rear garden, the lit cycle storage then needs to be located at the front of the dwelling. The application site is located within a conservation area, and Policy DM17 sets out the criteria to which proposals for development need to conform to. The policy makes it clear that development should preserve or enhance the character or appearance of the conservation area or its setting, and this design will not achieve this. Having a lit cycle store within the front garden area, does not add to the special character of the area. In addition, as there is now no rear garden, the front garden will be the only playing out area for the children. This is a wholly unsuitable area, as it slopes down towards a very busy road with only a low fence and gate separating the garden from the road. Policy DM23 of the Local Plan sets out criteria to which developments such as these need to comply with. It clearly states that it "**includes appropriate amenity space for residents of acceptable quantity and quality**". It cannot be argued that a front garden on a busy main road is a quality play area for children.
6. The applicant has already obtained planning permission for a care home in the immediate vicinity of this application site, so this would make a third care home in very close proximity. Policy DM23 of the Local Plan also states as part of the criteria "**the proposed development does not create an over concentration of similar accommodation in any one street or area**". This is clearly what will happen if this application is permitted, it would result in three homes within a 200m vicinity. Whilst it is understandable that the applicant wants more care homes in one location as it makes management easier, a third home in such close proximity is too much, and goes against the Council's planning policy. There has already been an influx of change use/commercial properties in the vicinity including:-

- Hazeworth House: Sheltered housing for Homeless

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- Anne of Cleves House: Listed property to physiotherapist and Care in the Community Offices.
- Weavers (medieval hall house): Accountants (presently up for sale);
- No 29 Hamlet Road: Planning permission was granted for an outbuilding to be used as a hairdressers;
- No 40 Hamlet Road: Children’s Home.

Another change of use allowed in the immediate vicinity is certainly too much.

**Material Considerations**

7. The Application must also be determined in accordance with the relevant development plan policies unless material considerations indicate otherwise. We consider that the following are material considerations which justify the refusal of the Application.
8. Chapter 12 of the National Planning Policy Framework (NPPF) ensures that local authorities must strive to achieve well designed and beautiful places to live. Paragraph 135 states the planning policies should ensure that developments “**will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;**” It cannot be said that this development will function well. From the word go it is compromised, both in terms of the quality of the amenity space for the children, but also the likely problems that are going to occur with the lack of parking for staff and visitors.
9. Paragraph 139 goes on to state that “**Development that is not well designed should be refused....**”. The application site is simply too compromised in its size and layout to be able to be able to function effectively without causing potential harm to the neighbours. Without additional parking and play areas, this site just isn’t well designed and nor is it capable of being so.

We consider that the Application does not comply with the Council’s Local Plan and that there are several material considerations justifying the refusal of the Application.

Yours faithfully

Amy Richardson

**Amy Richardson**  
**Partner**  
**Ashtons Legal**

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