

APPLICATION NO: 25/00541/CLD **CASE OFFICER:** Andrew Hunt

WARD: Halewood North **PARISH:** Halewood
Town Council

LOCATION: 2 Blackberry Grove, Halewood, Knowsley, L26 7XQ

PROPOSAL: CERTIFICATE OF LAWFULNESS FOR CHANGE FROM
RESIDENTIAL DWELLING (USE CLASS C3) TO ADULT RESPITE
CARE HOME (USE CLASS C3 B) FOR A MAXIMUM OF 4NO.
ADULTS WITH DISABILITIES

Site Description

The application site is a detached dwelling within an irregular rectangular plot at 2 Blackberry grove. The property has an existing conservatory at the rear. The site is surrounded by other dwellings to the north, east and west.

Proposal

The proposal is for a certificate of lawfulness for a change from residential dwelling (Use Class C3) to adult care home (Use Class C3 B) for a maximum of 4no adults with disabilities.

- There would be a maximum of 4 adults at the premises. Most would be older persons, but could include younger persons if the criteria were met.
- The service would be available for older adults and those with dementia and adults who are being cared for that may need support with daily living tasks such as providing daily meals, choosing clothes and encouraging personal care while maintaining dignity and independence.
- There would be a maximum of 2 care staff on site plus a manager on site between 7am and 7pm.
- There is an adult day centre which the residents will attend Monday to Friday and any professional bodies would visit them at the centre. The property would be empty Monday to Friday from 9:30am until around 4:30pm.
- Families usually visit at weekends usually once a month.
- The tasks the individuals themselves are able to perform would be washing and dressing themselves unaided with guidance from staff. They would also be accompanied by staff to appointments, shopping and social interactions within the community and also providing activities within the home.
- The individuals will reside for a maximum of 2 weeks at a time only and not fully reside as permanent residents.

Consultations

N/A

Representations

Two objections have been received and 2 letters of support for the application (1 of the letter of support appears to be from the applicant), consisting of the following main points.

Objections:

- A move from a dwellinghouse (Class C3) to a residential institution (Class C3B) constitutes a material change of use that does not fall under Permitted Development.
- Harm to character of area.
- Lack of parking in area.
- Loss of privacy and overlooking.
- Could set a local precedent, making it harder to oppose future conversions.
- This would impact on caring for young relatives.
- The level of care and supervision associated with supported living can, in some cases, amount to a more intensive use more closely aligned with a residential institution (Use Class C2), which would require full planning permission.
- The application should be refused on the basis that insufficient information has been provided to demonstrate lawfulness.

Support:

- Support the development (No detailed reasons given).
- This type of change is to support older adults to be supported to allow their carers a well earned break from their caring duties and there are very few services locally to provide this type of support.

Planning History

N/A

Relevant Policy

General Permitted Development Order (2015) (as Amended)

Assessment

PROPOSAL

The proposal is for a certificate of lawfulness for a change from residential dwelling (Use Class C3) to adult care home (Use Class C3 B) for a maximum of 4no adults with disabilities.

The Town and Country Planning (Use Classes) Order 1987 as amended

The key questions are whether the proposal would:

- a. Fall within Class C3 of The Town and Country Planning (Use Classes) Order 1987 as amended (the UCO).

- b. (if required whether the changes would constitute a material change of use.

a) Class C3

Use Class C3 of the UCO is sub-divided into 3 parts: C3(a) use by a single person or by people to be regarded as forming a single household; C3(b) use as a dwelling house where care is provided for residents; and C3(c) use by not more than six residents living together as a single household where no care is provided to residents.

North Devon District Council v First Secretary of State [2003] EWHC 157

In North Devon District Council v First Secretary of State, 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 Use Class C3(b), the children and carer(s) must reside in the premises. Otherwise, the use clearly falls within Class C2 'use for the provision of residential accommodation and care to people in need of care (other than a use within Class C3 (dwelling houses))'.

R (Crawley Borough Council) v Secretary of State for Transport and the Regions (2004)

In R(on the application of Crawley Borough Council) v FSS and Eve Helberg [2004] EWHC 160 (Admin) considered the North Devon Case and in effect found that it should not be taken as setting down a principle, but that each case should be considered on its merits noting that if carers are not resident, there remains a perfectly sensible question whether those resident (those in receipt of care) themselves constitute a single household. This accords with the North Devon case where the conclusion was noted as 'generally', not 'always'.

Proposed Use

Assessment

Change of Use

In relation to the proposed use, there would be a maximum of 4 adults with 2 carers and a manager at the premises, resulting in a maximum number of 7 adults at the property. The manager would be present between 7 am and 7pm weekdays. The set up of the home would be 4 adults living at the home with a 24 hour support system network, with 2 staff on site at any one time, and a manager being present during weekday hours.

The residents would be able to carry out the following independently:

- Washing.
- Dressing themselves.

The following activities would need the assistance of staff:

- Appointments.
- Shopping and social interactions within the community.
- Providing activities within the home.
- Cooking.
- Cleaning the house and general house maintenance bins etc.

It is considered that the activities carried out by the residents of the home are not sufficient to demonstrate a degree of independence that would result in the formation of a household. Whilst the occupants would be able to dress and wash themselves, they would not be able to cook basic meals or do basic household chores (such as cleaning and putting out bins) by themselves and would rely on carers to do any other activities. There is also no clear relationship between the 4 occupants who would not participate in any activities together without staff present. In addition, the fact that the individuals will reside at the premises for a maximum of 2 weeks only at a time is not consistent with a typical household, where a greater degree of permanence would be expected. The 2 week timeframe would be more consistent with a hotel or short term let than a typical household.

As a result, the four individuals are considered to not form an independent household. It is therefore considered that the proposed use class is C2 and that a change of use would take place at the premises.

b) Material change of use.

Guidance

In relation to the whether the application would constitute a material change of use. The governments planning practise guidance states that whether a material change of use has taken place is a matter of fact and degree based on the individual merits of a case.

“When does a change of use require planning permission?”

A change of use of land or buildings requires planning permission if it constitutes a material change of use. There is no statutory definition of ‘material change of use’; however, it is linked to the significance of a change and the resulting impact on the use of land and buildings. Whether a material change of use has taken place is a matter of fact and degree and this will be determined on the individual merits of a case.

If planning permission is required for change of use, there may be permitted development rights which allow change of use without having to make a planning application.

Paragraph: 011 Reference ID: 13-011-20140306

Revision date: 06 03 2014”

Assessment

Effect of Change of Use

There would be up to 3 staff most of the time during the 9-5 weekday (including a manager) and up to 4 adults resulting in a total of 7 persons.

During the day, the property would be empty Monday to Friday from 9:30am until around 4:30pm. However, a few hours before and after, there would be up to 7 adults (2 carers, 1 manager and 4 adults being looked after).

The amount of persons at the premises is considered to exceed that of a typical residential family and consequently would have a materially greater impact than a standard domestic family. Specifically, comings and goings to the property, both in terms of vehicles and people, would likely occur on a more frequent and atypical pattern than a typical household. The number of staff with the potential to own their own car (3) would be many times that of a typical household with that element alone resulting in 1.5 times the expected number of car journeys into and out of the house compared to a two parent family. There would also be monthly visits from families at weekend which would result in further journeys. The adults at the property would change every two weeks, in contrast to a typical family where the adults living at the property would be expected to remain the same over long periods of time. This would result in a degree of unfamiliarity between those living and working in the property and neighbouring residents. It also means the property would appear to the observer to have a much more commercial character than residential.

The presence of 4 adults with existing health issues including dementia or limiting disabilities may be expected to result in the need to attend doctors or hospital appointments (or alternatively home visits by professionals) more frequently than the general population, resulting in additional traffic to and from the building. This would be an intensification of use and a change to the character of the dwelling.

In addition, the presence of a manager at the site (in addition to the carers) is indicative of a more intensive use. The presence of non-residents working at the house as if at an office throughout the working week is not something normally associated with a typical dwellinghouse. It would therefore appear to introduce a material change in the character of the use.

Other Considerations

The current application is solely concerned with whether the proposal would be lawful. All other matters such as impact on amenity, character of area, parking, setting a precedent, or local need etc are not able to be considered.

Conclusion

The proposal would constitute a material change of use for which planning permission is required.

Recommendation

That the application be refused for the following reason:

1) Due to the large number of staff, presence of a manager along with the large number of vulnerable adults, their complex needs and associated support staff, the level of activity at the premises would exceed a typical residential unit. Therefore, the proposal constitutes a material change of use of the property from C3 (dwelling house) to C2 (provision of residential accommodation and care to people in need of care) for which planning permission is required.

Signed Case Officer¹:

Andrew Hunt

**Signed Authorising
Officer²:**

Jo Sheridan

Date:

18/05/2026

Informatives

N/A

1 I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

2 I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

