

PLANNING STATEMENT

Proposal: Lawful development certificate for a change of use from C3 dwelling house to C2 residential children's home to accommodate maximum of 2 children.

Site: 10 Mossbrow Road, Liverpool, L36 7SZ

Applicant: Phased Care Ltd

Date: August 2025

1. INTRODUCTION

- 1.1 This planning statement has been prepared to accompany a certificate of lawful development for the change of use of 10 Mossbrow Road, Liverpool, L36 7SZ ('the proposal site') from a Class C3(a) (dwellinghouse - use by a single person or a family) to a Class C2 (residential institution). The proposal will provide care for up to 2 children, aged between 8-18 years.
- 1.2 This planning statement should be read alongside the following:
- Location Plan;
 - Existing and Proposed Floor Plans;
 - Application Form.
- 1.3 The purpose of this statement is to demonstrate that the use of this property as a Class C2 use would not result in a material change of use from that of a Class C3(a) use.

2. LEGISLATION

The Town and Country Planning Act 1990

- 2.1 Section 336(1) defines "use" in relation to land as, not including the use of land for the carrying out of any buildings or other operations on it.
- 2.2 Section 192(1) provides that if any person wishes to ascertain whether any proposed use of buildings or other land is lawful or whether any operations which have been carried out in, on or under land are lawful he may make an application for the purpose to the local planning authority specifying the land and describing the use.
- 2.3 Section 192(2) advises that if, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.
- 2.4 Section 192(3) requires this certificate to detail the specific land to which it relates, describe the use or operations in question, give the reasons for determining the use or operation to be lawful and specify the date of the application on the certificate.
- 2.5 Section 192(4) provides that the lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.

National Planning Practice Guidance (“the NPPG”)

- 2.6 The NPPG provides advice regarding how applications should be determined alongside the National Planning Policy Framework (NPPF).
- 2.7 Article 39 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 specifies the contents of an application and how it must be submitted. The application must be accompanied by sufficient factual information/evidence for a local planning authority to decide the application, along with the relevant application fee. An application needs to describe precisely what is being applied for (not simply the use class) and the land to which the application relates. Without sufficient or precise information, a local planning authority may be justified in refusing a certificate. This does not preclude another application being submitted later on, if more information can be produced.
- 2.8 The applicant is responsible for providing sufficient information to support an application, although a local planning authority always needs to co-operate with an applicant who is seeking information that the authority may hold about the planning status of the land. A local planning authority is entitled to canvass evidence if it so wishes before determining an application. If a local planning authority obtains evidence, this needs to be shared with the applicant who needs to have the opportunity to comment on it and possibly produce counter-evidence.
- 2.9 A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular application or appeal process. In determining an application for a prospective development under section 192 a local planning authority needs to ask “if this proposed change of use has occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes?” A local planning authority may choose to issue a lawful development certificate for a different description from that applied for, as an alternative to refusing a certificate altogether. It is, however advisable to seek the applicant’s agreement to any amendment before issuing the certificate. A refusal is not necessarily conclusive that something is not lawful, it may mean that to date insufficient evidence has been presented.

3. DESCRIPTION OF PROPOSAL

- 3.1 The proposal is for a change of use of a three-bedroom dwellinghouse (Class C3) to a Class C2 (Residential Institution) to accommodate up to 2 children aged 8-18.
- 3.2 Matching and referral risk assessments would be undertaken to ensure that the residence is appropriate for the chosen children. All staff will hold the relevant NVQ qualifications and experience to satisfy the criteria set out by Ofsted. Ofsted registration would need to be obtained in order to run the children’s care home and they stress the need for children’s homes

to be operated in an environment as close as possible to a traditional family home environment and are set out below:

- Children in residential child care should be loved, happy, healthy, safe from harm and able to develop, thrive and fulfil their potential.
 - Residential child care should value and nurture each child as an individual with talents, strengths and capabilities that can develop over time.
 - Residential child care should foster positive relationships, encouraging strong bonds between children and staff in the home on the basis of jointly undertaken activities, shared daily life, domestic and non-domestic routines and established boundaries of acceptable behaviour.
- 3.3 Care would be provided by trained carers 24 hours a day and 7 days a week. Care would be given in a communal environment with the children and their carers sharing facilities in a manner akin to a family.
- 3.4 A staff sleep in room (first floor) would be available to one of the carers who would sleep overnight. The second carer would remain awake (known as 'waking night') during the night (and would therefore not need use of a bedroom), instead they would remain on the ground floor during the night unless required to provide support to the children during the night (i.e. should a child wake in distress during the night).
- 3.5 The carers for the child would not be permanent residents but would work on a regular 24-hour shift pattern to provide continuity with the children and create a family environment and bond with the children. Shifts are 12 hours with the two day shift carers starting between 7:30am and 8am and the two night shift starting between 7:30pm and 8pm. The shifts are staggered in the aim to substantially reduce the number of cars arriving and departing from the site at a time and preventing the need for handover periods. The staff members would remain on site supervising the child but would also accompany the child to school and other appointments.
- 3.6 There would be no more of a requirement for this child to be taken to any specialist schools or appointments (compared to if the house was utilised as a dwelling house). The child would attend school during the day and would also attend extra-curricular activities like any other family, subject to the appropriate risk assessment and assessment of a child's needs.
- 3.7 The manager may on occasions visit the proposed site to provide a more senior input. The manager provides an oversight to the operations, safeguarding responsibility, and deals with administration. Other visitations are generally not encouraged as the aim is to create a home environment as close to a family home as possible rather than a professional place of work so it is likely there may be prolonged periods where no visits occur.

- 3.8 The property's existing household facilities will be retained and used in the same way they would be by a Class C3 use. There will be external changes in respect to additions of a single storey side and rear extension, all within Permitted Development policies.

4. PLANNING HISTORY IN THE AREA

- 4.1 25/00460/CLD - 22 Hillside Avenue Huyton Knowsley L36 8DX - Certificate of Lawfulness approved
- 4.2 25/00417/CLD - 3 Grosmont Road Southdene Kirkby Knowsley L32 6QR - Certificate of Lawfulness approved
- 4.3 25/00369/CLD - 7 Crosland Road Southdene Kirkby Knowsley L32 8TR - Certificate of Lawfulness approved
- 4.4 25/00371/CLD - 11 Jedburgh Drive Tower Hill Kirkby Knowsley L33 1EQ - Certificate of Lawfulness approved
- 4.5 25/00366/CLD - 4 Dulas Green Southdene Kirkby Knowsley L32 8TP - Certificate of Lawfulness approved
- 4.6 25/00354/CLD - 24 Sycamore Road Huyton Knowsley L36 5TU - Certificate of Lawfulness approved
- 4.7 25/00319/CLD - 34 Birkin Road Southdene Kirkby Knowsley L32 6RW - Certificate of Lawfulness approved
- 4.8 25/00346/CLD - 6 Alder Crescent Kirkby Park Kirkby Knowsley L32 0SB - Certificate of Lawfulness approved

5. CONCLUSION

- 5.1 This statement clearly demonstrates that the proposed change of use of 10 Mossbrow Road, Liverpool, L36 7SZ to a Class C2 from its current use as a Class C3(a) would not result in a material change of use.
- 5.2 As a consequence, it is considered that the proposal would not require the submission of a planning application and that a certificate of lawfulness should be issued in accordance in accordance with Section 192 of the Town and Country Planning Act 1990.