

Planning Statement

48 Holland Road,
Halewood, L26 1UF

Certificate of Lawfulness
relating to the use of the
property

February 2025

Scalia Planning

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1. Introduction

1.1. Scalia Planning, the 'Agent', has been instructed by My3 Ltd, the 'Applicant', to submit an application for a lawful development certificate for proposed use in respect of 48 Holland Road, Halewood, L26 1UF, the 'Site'.

1.2. The proposed description of development is as follows:

'The use of the dwellinghouse for occupation by up to two people with care provided on a rota basis.'

1.3. This Statement has been prepared to address the planning policy considerations associated with the use and all other material considerations as may be relevant to the proposals.

1.4. The application package comprises this Statement and the following:

- Application Forms and Certification;
- Location Plan; and
- Certificate of Lawfulness reference 22/00519/CLD.

2. Site Description and Context

- 2.1. The Site comprises the property at 48 Holland Road, Halewood, L26 1UF. The property is a four-bedroom end of terrace house with private amenity areas to the front, side and rear. Internally the property comprises two reception rooms, a kitchen/diner and large conservatory at ground floor with four bedrooms, bathroom and separate wc at first floor.
- 2.2. The Site is located within a primarily residential area, with easy access to local facilities and services such as Halewood Youth In Community Centre, New Hutte Neighbourhood Centre, Halewood Doorstep Green. The property is in walking distance of local bus services along Torrington Drive, providing access to the wider area in the directions of central Halewood, Speke, Liverpool John Lennon Airport and Huyton, as well as providing access to shopping centres and wider amenities.
- 2.3. The Site is in Flood Zone 1 and therefore there is no anticipated risk of flooding from either tidal, fluvial or groundwater sources.
- 2.4. There are no listed buildings, conservation areas or other heritage assets within or in proximity to the Site.

Planning History

- 2.5. A Certificate of Lawfulness was granted in September 2022, reference 22/00519/CLD, which confirmed that the property could lawfully be used as a childrens home for a maximum of 2 children. The Property has subsequently been registered with Ofsted and used as such by the Applicant.

3. Proposed Use

- 3.1. The Application seeks confirmation that the use of the Site as a residential care home for up to two people, irrespective of their age, is lawful and does not constitute a material change of use requiring express planning permission. The use would not require any physical alterations to the building which might require planning permission in their own right.
- 3.2. The Application has been submitted on behalf of My3 Ltd who are an established reputable provider of residential care for people of all ages. My3 are registered with Ofsted and provide personalised care for people with learning disabilities. To date the Site has been used for accommodating young people under the age of 18, helping support them and prepare them to return home or to live independently as an adult. In some circumstances the young people would seek to continue to reside in the property that has become their home and it is this scenario which this submission has been made to address. Whilst the use would not in itself constitute a material change of use, there is a requirement from Ofsted for confirmation that the residents can continue to occupy the property once they reach the age of 18 and as such this submission for such confirmation has been made.
- 3.3. The Applicant would continue to operate the property as a residential care home, providing a safe, caring and secure home environment – there would be a seamless transition between providing care for the resident up to and after the age of 18. The home would continue to be registered for up to two people and would have two full time members of staff working on a 48-hour shift pattern from 10am each shift change day. The staff would similarly work on a rota basis, typically with three teams supporting the residents with shifts set to ensure that the operation of the home did not impact on residential amenity but also to provide continuity and routine for the people in residence as well as to engender familiarity with surrounding neighbours.

- 3.4. The type of home operated by the Applicant is akin to any traditional family home. Typically, the people would be transported to their daily activities by the home's staff, be that to a place of education, employment, or socialising, using public transport where possible subject to each individuals needs and the locational requirements. The staff would also undertake their administrative duties, household duties such as cleaning, food shopping, taking the residents to any appointments, or attending meetings on behalf of the residents. The residents and their care staff would interact like a traditional family unit, eating meals together and undertaking other activities. The care staff would sleep on the premises during their shift.
- 3.5. The day to day running and management of the home would be in line with the National Minimum Standards and Regulations as issued by the Secretary of State for Health under the Care Standards Act (2000). A Health and Safety check has already been undertaken and the home already operates within the parameters of good practice. The broadening of permitted occupiers would not require any structural changes or modifications.

Appropriateness of Use

- 3.6. The proposed use would not cause undue noise or disturbance that might affect neighbouring residential amenity, there would be no greater level of activity associated with the comings and goings from the property than existing or than would otherwise be expected if occupied as a traditional family home.
- 3.7. The principle of the use has already been accepted for occupation by young people and there is no material difference to the manner in which the home will operate as the young people become adults.
- 3.8. There is technically no material change of use where residents of a domestic property require in-home care and there is no material difference between such a scenario and the way the Site would be used, the only difference being that the residents would not own or be the principal leaseholder of the property.

- 3.9. It has been accepted by the Courts that the occupation of a dwelling by adults who require care in their home remains a C3 use and that whilst the occupation of the same properties by the same individuals but who are minors may not fall within the clear parameters of a C3 use, the nature of the use and any associated change is not generally be considered *material* if it doesn't change the nature of the daily use or character of the property. It should therefore also stand that there is no material change of use when an occupier becomes and adult with the same domestic and care requirements. Clearly such circumstance need to be assessed on a case by case basis and will be a matter of fact and degree, however, in this instance, the proposal relates to only two people living together with their associated carers working on a 48 hour rota basis and a similar number/ratio of people are likely to reside at the property with a similar level or activity if it were to be used as a traditional dwelling house. There is no material difference to the manner in which the home has been used since the Certificate of Lawfulness was issued in 2022, the only difference being the age of the residents. There would not therefore be any intensification of use or any material difference to the nature in which the property is to be used or the resultant appearance of the property. By virtue of this, there would not be a *material* change of use.
- 3.10. The above fundamentally confirms that the proposed use would, by virtue of the associated activities and manner in which the home would operate, not constitute a material change of use and would be an appropriate use for an existing dwelling in a residential area.

4. Conclusion

- 4.1. The proposed use of the Site is as a residence for up to two people with care provided in the home, to be operated by an established, reputable provider of residential care, registered with and regulated by Ofsted, and who already operate the property as a home for younger people with the same care needs.
- 4.2. The proposed use would not result in any detrimental harm to the amenity of neighbouring occupiers with case law having determined that the nature of use proposed is akin to that of a traditional family home and as such can operate lawfully pursuant to the requested certification. The proposed use would in no way change the nature or form of the property and would not preclude the property from being used for more traditional residential occupation if and when the proposed use were to cease.
- 4.3. The proposed use would not comprise a material change of use and as such we request that a certificate of lawfulness be granted without delay.