

<u>APPLICATION NO:</u>	23/02843/CLD	<u>CASE OFFICER:</u>	Lee Osborne
<u>WARD:</u>	Swanside	<u>PARISH:</u>	
<u>LOCATION:</u>	15 Jefferey's Crescent, Roby, Knowsley		
<u>PROPOSAL:</u>	CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OF RESIDENTIAL DWELLING AS A CHILDREN'S HOME FOR ONE CHILD		

Site Description

The application relates to a semi-detached two-storey dwelling located on Jeffrey's Crescent. The property is located in an established residential area and is surrounded by other two-storey, semi-detached dwellings.

Proposal

The application is for a lawful development certificate for the proposed use of residential dwelling as a children's home for 1 child.

The key questions are whether the proposal would:

- Fall within Class C3 of The Town and Country Planning (Use Classes) Order 1987 as amended (the UCO).
- If it does not, required whether the changes would constitute a material change of use.

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))'.

In relation to the proposal, the property would be to house one child. There would be one carer who would be on a 2 on 4 off rota, that is one 48-hour shift with 4 days off after. The manager would work remotely and would visit the home once a week to complete compliance checks. There would be social worker visits once a month, although there could be more if necessary.

Consultations

None Required

Representations

NA

Relevant Policy

As the application is to determine whether the use proposed requires planning permission under planning law planning policies are not relevant in this instance as they are applicable when considering the merits of a planning application.

Assessment

Material Change of Use

The government's Planning Practise Guidance states that whether a material change of use has taken place is a matter of fact and degree and based on the individual merits of the 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.... Paragraph: 011 Reference ID: 13-011-20140306".

In relation to whether the application constitutes a material change of use, there would be one shift change every two days, with one carer at the property on a 48 hours basis to look after the child. There would be a manager who would work away from the premises but who would attend the property weekly to complete compliance checks. Social workers would visit once a month, although could attend more often if necessary. As such it is considered that the movements associated with this proposal and the child together with staff at the property would not be materially greater than a family household. Furthermore, up to 6 individual persons could live at the property as a shared residence which would be within the deemed C3 Use without planning permission being required and which could have considerably more movement to and from the property than the use under consideration. Accordingly, it is considered that the use as proposed would not constitute a material change of use of the property.

Conclusion

The use of a residential dwelling (Use Class C3) to a children's care home for 1 child children at 15 Jeffrey's Crescent, Roby would not constitute a material change of use that would require planning permission.

Recommendation

The proposal constitutes a lawful development for which planning permission is not required.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
21/12/2023	-	-	LOCATION PLAN
15/01/2024	-	-	FLOOR PLANS (NO PROPOSED CHANGE)
22/05/2024	EMAIL	-	DETAILS OF STAFFING, MANAGERIAL ROLE AND CHILD NUMBERS

Signed Case Officer¹: **Lee Osborne**

Signed Authorising Officer²: **K Foster**

Date: **22 May 2024**

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

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