

**4 Dulas Green
Southdene
Kirkby
Liverpool
L32-8tp**

Lawful development certificate for a change of use from C3 to C2.

Planning Statement

June 2025

Client:

Steven Wilkinson

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Address:

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Southdene,
Kirkby,
Liverpool,
L32-8tp

A planning statement prepared by:



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1. Introduction

1.1 This Planning Statement is submitted in support of an application for a Lawful Development Certificate (LDC) under Section 192 of the Town and Country Planning Act 1990 (as amended). The application seeks a formal determination that the proposed use of the property at 4 Dulas Green, Southdene, Kirkby, Liverpool, L32 8TP as a solo children's residential care home falls within Use Class C2 (Residential Institutions) and does not constitute a material change of use requiring planning permission.

1.2 The proposal involves the provision of full-time care for a single child between the ages of 6 and 17 years. Care will be provided in accordance with national care regulations by two non-resident carers operating on a rolling 48-hour shift pattern, ensuring 24-hour coverage. In addition, a registered manager will oversee the operation of the home and attend the property on a visiting basis only. The manager will not reside at the premises. The child will live at the property on a permanent basis and the use of the dwelling will remain residential in character.

1.3 The operation of the home is designed to reflect the characteristics of a family household. No external alterations are proposed and the internal layout will remain consistent with that of a domestic residence. The residential nature and intensity of the use will be similar to that of any other family-occupied dwelling. This statement outlines relevant legal, policy and case law context to demonstrate that the proposed use does not constitute a material change and, as such, should be considered lawful.

2. Site Description and Surroundings

2.1 The property at 4 Dulas Green is a two-storey end-terrace dwelling located in a well-established residential area within the Southdene neighbourhood of Kirkby. The property lies within a quiet cul-de-sac comprised primarily of family homes. The surrounding locality is residential in character and displays a uniform streetscape of modern brick-built dwellings with front gardens and driveways.

2.2 The subject property benefits from a modest rear garden and on-site car parking provision. It retains its domestic appearance, with no intention to alter its physical structure, frontage, or curtilage. Access to the property is via Dulas Green, a residential street with adequate highways capacity and pedestrian infrastructure.

2.3 The wider area is served by a range of amenities including schools, healthcare facilities, shops, and local bus services. These features support the property's suitability as a supported living setting for a young person in care.

3. Description of Proposed Use

3.1 The proposed use involves the full-time occupation of the property by one young person in care who will reside at the dwelling as their principal place of residence. The young person will be supported by a small team of professional carers who will deliver round-the-clock care on a 48-hour rotational basis. Two carers will be present at the property at all times. The shift structure will ensure stability and continuity of care.

3.2 A registered care manager will oversee the day-to-day operation of the home but will not reside at the property. The manager will attend intermittently during daytime hours to undertake supervisory and administrative functions in accordance with regulatory requirements.

3.3 The proposed use will retain all characteristics of a conventional domestic residence. The young person will engage in everyday household routines including meals, school attendance, recreation and personal development. The carers will provide guidance and support in a family-style arrangement rather than operating in any clinical or institutional manner. The property will not display any signage, external equipment or operating paraphernalia.

4. Planning and Legal Context

4.1 Section 55(1) of the Town and Country Planning Act 1990 provides that development includes the carrying out of building operations and any material change in the use of any buildings or land. Whether a material change of use has occurred is a matter of fact and degree. It requires an assessment of whether the character of the use has changed in planning terms.

4.2 The Town and Country Planning (Use Classes) Order 1987 (as amended) defines relevant classes of land use. The proposed use would fall within Class C2 (Residential Institutions), which includes children's homes, care homes, and similar supported living arrangements.

4.3 The Courts have held that not every change of use constitutes a material change. The relevant test is whether the proposed use would result in a material difference in character, activity or impact from that which previously existed.

4.4 In this case, the use of the dwelling by a single young person with live-in carers does not, in fact or in degree, differ in any significant way from typical family occupation.

5. Case Law and Precedents

5.1 Several judicial authorities and appeal decisions support the proposition that the use of a dwelling as a small-scale children's care home does not amount to a material change of use.

5.2 In *North Devon District Council v FSS and Southern Childcare Ltd* [2003] EWHC 157 (Admin), the High Court held that the presence of children in care and support staff did not necessarily result in a material change of use, particularly where the residential character of the property was preserved.

5.3 Similarly, in the appeal decision APP/F1040/X/21/3283867 concerning 3 Sandpiper Lane, Derby, the Inspector concluded that the use of a dwelling to care for two children on a 24-hour staffing rota did not materially alter the use of the property from that of a family home. The Inspector noted that the scale and operation of the care arrangement were residential in nature.

5.4 The judgment in *R (Brighton and Hove City Council) v Secretary of State for Communities and Local Government* [2004] EWHC 1800 (Admin) further supports this view, confirming that care uses resembling family life in scale and impact can remain within the scope of lawful residential use.

5.5 These cases underscore the key principle that the presence of professional carers does not, in and of itself, amount to a material change of use where the intensity of occupation and the nature of activities remain akin to those of a conventional household.

6. Policy Context

6.1 The National Planning Policy Framework (2023) provides a supportive context for specialist residential provision. Paragraph 60 confirms the government's commitment to supporting the housing needs of diverse community groups, including children in care. Paragraph 93 encourages healthy, inclusive and safe places, while paragraph 119 promotes the effective use of land to meet housing needs in line with the character of an area.

6.2 These provisions collectively support the establishment of small-scale residential care within communities and reflect a policy presumption in favour of inclusion and integration. The proposed use aligns fully with these national objectives.

6.3 At a local level, the Knowsley Local Plan Core Strategy (adopted January 2016) sets out policies supportive of community well-being and housing provision. Policy CS1 (Delivering Sustainable Development) and Policy CS15 (Delivering Affordable Housing) encourage the delivery of diverse housing solutions that contribute to inclusive neighbourhoods. The provision of supported accommodation for a vulnerable child within a residential setting fully accords with these aims.

7. Assessment of Material Change of Use

7.1 The proposed use of the property remains low in scale and wholly residential in nature. The child will live at the property as their home, supported by no more than two carers at any one time. There will be no clinical, institutional or commercial character to the occupation of the building.

7.2 The pattern of use will mirror that of any small household. There will be no increase in noise, disturbance or comings and goings beyond what would be expected from a typical residential dwelling. The carer shift arrangements, with 48-hour rotations, ensure minimal vehicle movements and operational disruption. The visiting manager's attendance will be infrequent and unobtrusive.

7.3 In visual and functional terms, the property will continue to appear, operate and be experienced as a standard family home. The internal layout remains unchanged and there are no external alterations. Neighbouring amenity will not be affected in any tangible way. The character of the area will remain unaltered.

7.4 On the basis of established legal precedent and factual analysis, the proposed use does not constitute a material change of use. It is neither operationally intense nor visually distinct from typical residential occupation.

8. Conclusions

8.1 The proposed use of 4 Dulas Green, Southdene, Kirkby, as a solo children's care home with 24-hour professional care does not result in a material change of use. The use remains within the scope of Class C2 and does not give rise to development within the meaning of Section 55 of the Town and Country Planning Act 1990.

8.2 The child will occupy the property as their home, supported in a stable and domestic environment by non-resident carers. The impact on the surrounding area is negligible and no greater than that of an ordinary family household. The use is therefore lawful and requires no express planning permission.

8.3 The proposal is consistent with the principles of the National Planning Policy Framework and the Knowsley Local Plan, both of which encourage inclusive, community-based residential provision. Case law further supports the conclusion that the proposed use is lawful.

8.4 It is therefore respectfully submitted that the Local Planning Authority should grant a Certificate of Lawfulness for the proposed use of the property under Section 192 of the Town and Country Planning Act 1990.