

Regeneration and Economic Development Department

APPLICATION NO: 22/00118/CLD

APPLICANT: Co and Care LTD

WARD AFFECTED: Shevington

DEVELOPMENT: CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OF RESIDENTIAL DWELLING AS A CHILDRENS HOME FOR A MAXIMUM OF 1 NO. CHILDREN

LOCATION OF SITE: 47 Yoxall Drive, Tower Hill, Kirkby, Knowsley, L33 4HS

KNOWSLEY LOCAL PLAN ALLOCATION –

Primarily Residential Area

RELEVANT POLICIES

Town and Country Planning Act 1990 (as Amended)

PLANNING HISTORY

Non Relevant

TECHNICAL CONSULTATIONS:

N/A

NEIGHBOUR NOTIFICATION:

N.A

ISSUES AND ASSESSMENT:

PROPOSAL

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

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

The key questions are whether the proposal would constitute a material change of use.

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?"

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

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kirkby knowsley l33 4hs.doc

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 a maximum of 1 child at the premises. There would be 2 staff providing care support on site and a manager there part time, with a maximum of 3 staff at the premises the majority of the time.

This combined with the limited number of children (1) means that there would not be significant noise and disturbance above that of an ordinary dwellinghouse. Therefore, overall, there would not be a material change of use of the property.

RECOMMENDATION:

The proposal does not constitute development as set out in the Town and Country Planning Act 1990 (as Amended). Therefore, planning permission is not required.

Andrew Hunt

22 March 2022

Alan Kilroe

28 March 2022

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02