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| <b><u>APPLICATION NO:</u></b> | 25/00443/CLD                                                                                                                        | <b><u>CASE OFFICER:</u></b> | Louise Robinson |
| <b><u>WARD:</u></b>           | Shevington                                                                                                                          | <b><u>PARISH:</u></b>       | N/A             |
| <b><u>LOCATION:</u></b>       | 10 Reisling Drive, Tower Hill, Kirkby, Knowsley, L33 1SH                                                                            |                             |                 |
| <b><u>PROPOSAL:</u></b>       | CERTIFICATE OF LAWFULNESS FOR RESIDENTIAL DWELLING (USE CLASS C3) TO CHILDRENS CARE HOME (USE CLASS C2) FOR A MAXIMUM OF 1NO. CHILD |                             |                 |

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### **Site Description**

Two-storey 3-bedroom semi-detached dwelling situated on a corner plot of Reisling Drive, Kirkby. The dwelling is characterised by white render and brick to the front elevation, brick to the side and rear elevations, a cross-gable tiled roof and white UPVC windows. It has private amenity space to the rear.

It also has off-street parking available to the rear for a minimum of 2no. vehicles.

The surrounding area is characterised by similarly designed residential dwellinghouses.

The application site is identified as a Primarily Residential Area in the Knowsley Local Plan: Core Strategy.

### **Proposal**

Application for a Certificate of Proposed Lawful Development to use a Residential Dwellinghouse (Use Class C3) as a Children's Care Home (Use Class C2) for a maximum of 1no. Child.

- There would be a maximum of 1no. child between the ages of 7 and 17.
- There would be a small pool of 6 staff assigned to the dwelling, operating on a shift basis and would be supported by 1 manager.
- There would usually be no more than 2 carers present during the daytime and no more than 2 carers present overnight (same staff members).
- The shift pattern would be 9am start – 11pm (11pm – 9am sleep), with the carers shifts working on a rota basis (2 days on, 4 days off).
- A manager would visit the property on an ad-hoc basis between 9am – 5pm Monday to Friday and would not work out of the property full time.
- Changeover would take place at 10am, with 4 staff members being present for only a limited time.
- Other visitors to the site would be limited. A member of social services would be required to visit the site once every 6 weeks, and an Ofsted visit would take place every 12 months.
- No physical changes are proposed to the external appearance of the property.
- Off-road parking is available to the rear of the property.

## **Consultations**

None required.

## **Representations**

None required.

## **Planning History**

97/00549/APP                      Erection of 99no. two-storey dwellings together with construction of new access.

Granted (27.02.1998)

## **Relevant Policy**

General Permitted Development (England) Order 2015 (as amended)

## **Assessment**

The proposal is for a Certificate of Proposed Lawfulness to use a residential dwelling as a residential care home for 1no. Child.

The home would have 1no. Child living at the property with a 24-hour support system network, with 2 staff on site at any one time, and a manager undertaking site visits between 9am – 5pm Monday to Friday. Carers shifts would be on a rota basis of 2 days on, 4 days off. The shift handover would take place at 10am.

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

The key questions are whether the proposal would:

- a. Fall within Class C3 of the Town and Country Planning (Use Classes) Order 1987 as amended (the UCO).
- b. If required whether the changes would constitute a material change of use.

## **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 dwellinghouse 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))'.

## **Proposed Use**

## Guidance

In relation to whether the application would constitute a material change of use, the government's Planning Practice Guidance states that whether a material change of use is matter of fact and degree based on the individual merits of a 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 case.

If planning permission is required for change of use, there may be permitted development rights which allow change of use without having to make a planning application. Paragraph: 011 Reference ID: 13-011-20140306"

## Assessment

### *Change of Use*

In relation to the proposed use of the property, there would be a maximum of 1no. child living at the premises. The set up of the home would involve 1no. child living at the home with a 24-hour support network, via 2 care staff at any one time and a manager visiting during 9am – 5pm Monday to Friday. The staff would work on a 2 days on, 4 days off shift pattern.

As the carers would live at the premises and there would be 2 staff at the premises, the use falls under Use Class C2. A manager would supervise the property on an ad-hoc basis 9am – 5pm weekdays. It is therefore considered that a change of use would take place at the application site.

### *Material Change of Use*

The presence of 1no. child is a factor in favour of the change not being material. The presence of a manager on site can be a factor which increases the chances of there being a material change but is not a decisive factor by itself. The presence of 2 adults and 1 child permanently at the premises would not result in less persons than that of a typical family. The impact would not be materially greater than a typical family use.

A manager would also be present part of the time from 9am – 5pm Monday to Friday. Additionally, up to 6 individual persons could live at the property as a shared residence which would be within the deemed Use Class C3 without planning permission being required and which could have significantly more movement to and from the property than the use under consideration (Use Class C2).

It would be materially different to a site where there are 2 – 3 no. children at the site, a manager and carers.

Therefore, it is considered that a change of use would take place, but that change is not material.

## **Conclusion**

The proposed change of use from a Use Class C3 Residential Dwelling to a Use Class C2 Children's Care Home is considered to be acceptable, and a certificate of proposed lawfulness should be **granted**.

**Signed Case Officer<sup>1</sup>:**      **Louise Robinson**

**Signed Authorising Officer<sup>2</sup>:**      **Mark Quinn**

**Date:**      **02.09.2025**

## **Informatives**

N/A

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<sup>1</sup> 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

<sup>2</sup> 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

## Site Photographs

