

<u>APPLICATION NO:</u>	25/00346/CLD	<u>CASE OFFICER:</u>	Louise Robinson
<u>WARD:</u>	Whitefield	<u>PARISH:</u>	N/A
<u>LOCATION:</u>	6 Alder Crescent, Kirkby Park, Kirkby, Knowsley, L32 0SB		
<u>PROPOSAL:</u>	CERTIFICATE OF LAWFULNESS FOR RESIDENTIAL DWELLING (USE CLASS C3) TO CHILDRENS CARE HOME (USE CLASS C2) FOR A MAXIMUM OF 1NO. CHILD.		

Site Description

Two-storey semi-detached dwelling located on Alder Crescent. The dwelling is characterised by facing brickwork to all elevations, a hipped tiled roof and grey UPVC windows. The dwellinghouse has off-street parking available for 2no. vehicles. The surrounding area is characterised by similarly designed 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 under the age of 18.
- Carers would be drawn from a small pool of staff assigned to the dwelling, operating on a shift basis (72-hour shift pattern) and supported by a Registered Manager.
- There would never be more than 3 members of staff (2 carers and 1 manager) at the property during the day 9am – 5pm.
- No more than 2 members of staff (2 carers) present overnight
- Shifts would start at 10am, with staff working on a rota basis of 2 days on, after the 2nd day shift 2 new staff will come on and take over for a 2 day shift.
- There will be more carers present during shift change overs, but this would only be for limited time – approx. 10 minutes – and will be limited to one changeover every 3 days due to the shift pattern.
- Changeover will take place at 10am to avoid early rush hour.
- No physical changes are proposed to the property and will retain the appearance of a standard family home
- There would be 3no. bedrooms.
- Any additional visits to the property, such as by a social worker or other professionals, would be extremely limited as keeping these 'formal' visits to a minimum, to ensure child feels comfortable and relaxed within the home.
- Off-street parking for a minimum of 2no. vehicles is available to the front of the property.

Consultations

Merseyside Police – Comments as followed:

- No immediate / local crime risks that need to be presented to KMBC for the purposes of this application.
- Some concerns have been raised by the Missing Persons Unit – but cannot be disclosed for the purposes of the application.
- It would alleviate significant amount of concern if the applicant registered the placement with OFSTED. This would ensure a capable body overseeing day-to-day operations.

Representations

Not Applicable.

Planning History

No relevant planning history for the site.

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 house would have 1no. child living at the home with a 24-hour support system network, with 2 staff of site at any one time, and a manager undertaking site visits between 9am – 5pm. Carers shifts would be on a rota basis with staff 2 staff to work 2 days, and after the 2nd day shift 2 new staff will come on and take over for a 2 day shift. The shift handover would take place at 10am.

The Town and County 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 a 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 a 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

Regarding the proposed use, there would be a maximum of 1 no. child living at the premises. The set up of the home would involve 1 no. child living at the home with a 24-hour support network, via 2 care staff on site at any one time and a manager visiting during 9am – 5pm. The staff would work on a 2-day shift rota-based system.

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 also supervise the property during 9am – 5pm. It is therefore considered that a change of use would take place at the application site.

Material Change of Use

The presence of 1 no. 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 it is not a decisive factor by itself. The presence of 2 adults and 1 child permanently at the premises would 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. 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 considerably 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 Officer¹: **Louise Robinson**

Signed Authorising Officer²: **Jo Sheridan**

Date: **04/07/2025**

Informatives

N/A

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

² 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

