

<u>APPLICATION NO:</u>	25/00280/CLD	<u>CASE OFFICER:</u>	Louise Robinson
<u>WARD:</u>	Whitefield	<u>PARISH:</u>	N/A
<u>LOCATION:</u>	6 Park Way West, Knowsley Park, Kirkby, Knowsley, L32 2BZ		
<u>PROPOSAL:</u>	CERTIFICATE OF LAWFULNESS FOR RESIDENTIAL DWELLING (USE CLASS C3) TO CHILDRENS CARE HOME (USE CLASS C2) FOR A MAXIMUM OF 1NO. CHILDREN.		

Site Description

Two-storey end-of-terrace dwelling located on Park Way West. The dwelling is characterised by half brick (at ground floor level) / half white render (at first-floor level) to the front and rear elevations and brick to the gable end elevation, a gable tiled roof and white UPVC windows. It benefits from a detached garage to the rear of the site. To the rear of the site is a typical residential private amenity space. The dwelling does not benefit from any off-street parking.

The immediate surrounding area predominantly features residential properties of a terraced setting.

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 Dwelling (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 11 and 17.
- The home would provide a "home from home" environment for vulnerable and complex children and would be known as 'Bellator House'.
- The home would be staffed 24/7 to ensure continuous supervision and support.
- There would be a pool of 8 staff assigned to the dwelling, operating on a shift basis (number excludes any bank or agency staff required of service from time to time).
- There would be no more than 2 carers present during the daytime and no more than 2 carers present overnight.
- 1 care staff may be present on waking nights (the waking nights role is temporary, depending on the young persons emotional regulation and is not always required).
- The carers shifts would work on a rota basis (2 days on, 4 days off) and the work times would be as followed:
 - Day Carer 1: 10am – 10am (24-hour shift; with paid sleep)
 - Day Carer 2: 10am – 11pm (would be replaced by waking night carer)
 - Walking Night Carer: 11pm – 10am
- If a walking night carer is not required, then there would be 2no. day carers on shift and doing the paid sleep.

- Management may visit the property (if requested by the young person). 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.
- Shift changeover(s) would take place at 10am, with 4 staff members being present for only a limited time, and 11pm (if a walking night carer is required), with 3 staff members being present for only a limited time.
- Social workers would likely visit the property once every 2 weeks.
- Ofsted visits would take place once every 12 months.
- Family visits may only occur once every couple of months.
- Visits to the property would be scheduled and would either take place in a private area of the application site, virtually via secure video platforms like Microsoft Teams, or off-site at approved children's social care environments.
- Therapeutic interventions will be provided on-site.
- Case reviews would take place virtually via Microsoft Teams.
- No off-street parking is available; however, an on-road shared car park is located 10 yards from the application site which can house up to 7 cars. Alternatively, there is a second car park just 50 yards away which can house up to 5/6 cars. The property also has a secure garage for staff to leave bikes, may they decide to ride to work.
- No physical changes are proposed to the external appearance of the property.

Consultations

None required.

Representations

None required.

Planning History

No relevant planning history.

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 members 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, and 1 day carer and 1 walking night carer may do a shift handover at 11pm (if a walking night carer is required).

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 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

In relation to the proposed use of the property, 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 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 at all times, 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 it 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 2-3no. 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: **Mark Quinn**

Date: **23/07/25**

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

