



SUPPORTING STATEMENT

Application for a Certificate of Lawful Proposed Use
of property as a children's home (within Class C2) for
one child

At 9 Fairthorn Walk, Northwood, Kirkby, L33 6UX

On Behalf of
Future Care NW Ltd
April 2025

LANDOR Planning
Consultants Ltd

CONTENTS

1.0	INTRODUCTION-----	3
2.0	LOCATION AND SITE DESCRIPTION-----	3
3.0	THE PROPOSED USE -----	4
4.0	LEGISLATIVE TEST AND ASSESSMENT-----	4
5.0	PRECEDENT CASES-----	5
5.0	CONCLUSION-----	6

APPENDIX 1 – APPEAL DECISION APP/M4320/X22/3300634 DATED 13 DECEMBER 2022

APPENDIX 2 – SUCCESSFUL COST CLAIM APP/M4320/X22/3300634 DATED 13 DECEMBER 2022

APPENDIX 3 – CERTIFICATE OF LAWFUL USE OR DEVELOPMENT (25/00124/CLD) DATED 27 MARCH 2025

APPENDIX 4 – DELEGATED PLANNING REPORT FOR CERTIFICATE OF LAWFUL USE OR DEVELOPMENT (25/00124/CLD)

1.0 INTRODUCTION

- 1.1 This Supporting Statement is prepared for an application for seeking a Certificate of Lawful Proposed Use or Development (CLOPUD) for use of a property as a children's home (within Use Class C2) for one child. The application is submitted on behalf of Future Care NW Limited in respect of 9 Fairthorn Walk, Northwood, Kirkby L33 6UX.
- 1.2 The purpose of this Supporting Statement is to demonstrate as a matter of fact and degree that the proposed use does not give rise to such materially different planning circumstances or a definable change in character amounting to a material change of use. In essence, express planning permission is not required as the use of the dwelling under Class C2 would be lawful.
- 1.3 The application is supported by the following information:
 - Location Plan
 - Block Plan
 - Existing and Proposed Ground and First Floor Plan
 - Management Plan/Statement of Purpose
 - Staff Rota

2.0 LOCATION AND SITE DESCRIPTION

- 2.1 Fairthorn Walk is a public footpath running east-west and connects Birbeck Road to the east with Simonswood Lane to the west. On either side of the footpath is a row of 6 No. terraced houses. The two facing terraces are set behind front gardens.
- 2.2 No 9 Fairthorn Walk is located on the north side of the public footpath. It is a mid-terrace property which, in common with the rest of the terrace, is a two-storey dwelling with rendered elevations and a pitch roof. These terraced properties were constructed in the second half of the last century.
- 2.3 The submitted floor plans confirm that the property is arranged in order to provide conventional domestic residential accommodation that includes a kitchen, living/dining room, study and conservatory on the ground floor with three bedrooms, bathroom and separate WC on the first floor. The property has a front and rear garden. As a three-bedroom house it provides suitable accommodation for at least two adults and 2 children. While there is no in-curtilage car parking provision, there are no car parking restrictions in either Birbeck Road or Simonswood Lane. The occupiers of the terraced houses must therefore utilise the adjacent streets for car parking.
- 2.2 Fairthorn Walk is located in an established residential area in the district of Northwood in Kirkby. Kirkby town centre is located approximately 1.2km to the southwest. The property is within easy walking distance of public transport, schools and local services, and therefore is in a highly sustainable location.

- 2.3 The lawful use of the property is a dwellinghouse (Class C3). A search of the online planning register confirms no planning history indicating any previous change of use. Based on the above evidence, there can be no doubt that the lawful use falls within Class C3 as a dwellinghouse

3.0 THE PROPOSED USE

- 3.1 The application for a CLOPUD is to use the property as a children's home for a maximum of one child and two carers under Class C2 of the Use Classes Order 1987 (as amended).
- 3.2 The application is supported by a Management Plan/Statement of Purpose Document. In addition, a Staff Rota is provided. These documents collectively confirm that the use will be as a children's care home in which no more than one child will be resident at any one time with two staff carers. The only child residing at the premises shall be aged 7-18 years and will be in full time compulsory education. The only times when there would more staff (3 in total) is during the shift handover which shall take place between 11.30am and 12.30pm daily and any ad hoc visit from the Manager.
- 3.3 Staff Carers are pooled from six staff who shall undertake shifts in a rota of 2 days on/four days off. The Staff Rota confirms that changeover is scheduled to occur in between the hours of 11.30am and 12.30pm.
- 3.4 A manager will make occasional ad hoc visits to the property in accordance with Ofsted standards on weekdays between 0900 -1700 hours.
- 3.5 For the vast majority of time there would be a maximum of three persons present on the site (one child and two adults). Comings and goings from the property will be associated with attendance at school, staff handover times, social and recreational outings like any other family group. In accordance with Ofsted regulations no visitors are allowed at the property unless by prior appointment.

4.0 LEGISLATIVE TEST AND ASSESSMENT

- 4.1 The Town and Country Planning (Use Classes) Order 1987 (as amended) categorises different types of property and land into classes. Change between uses within the same class does not constitute development and therefore does not require planning permission.
- 4.2 However it is also the case that not all changes between use classes are necessarily development within the meaning of Section 55(1) of the Town and Country Planning Act 1990. The key issue is whether the change is material.
- 4.3 As held in North Devon District Council vs FSS and Southern Childcare Ltd [2003] EWHC 157 (Admin); [2003] JPL 1191 a change from C3(a) to C2 will not always be material. It will be a

matter of fact and degree, depending upon the circumstances of the case in question. In line with this judgement, the proposed use as described in Section 2 of this Statement is not materially different to the lawful use of the property as a dwellinghouse. The applicant highlights a number of factors that inform that conclusion.

- i) There is no limit on the size of a family unit that can occupy a dwellinghouse within Planning Use Class C3. In this case, the subject property is a three-bedroom, mid terrace house that can comfortably occupied by a household consisting of four or more occupants, less than proposed.
- ii) The Town and Country Planning (Use Classes) Order 1987 (as amended) splits Planning Use Class C3- Dwellinghouses into three subsections. Under Class C3(b) the property could also be lawfully occupied, not requiring planning permission by up to six residents living together as a single household where care is provided for residents;
- iii) The lawful use of a dwellinghouse in Class C3 of the Use Classes Order is broad in scope and could bring with it considerable associated activity and ancillary use or vehicle movement. The character of the proposed use would be akin to a 'small family' comprising one child supervised and cared for by two adult guardians;
- iv) Movement to and from the property including daily staff handovers, occasional visits for professionals, journeys between home and school, shopping and other social excursions are consistent with the level of activity arising from a family dwelling;
- v) Given its urban location, the likelihood is that carers will use public transport, walk, or cycle to the premises, as opposed to relying on private car travel. However in the event that staff chose to travel by car, then the parking demand would be no greater than would be typical for most three bed, mid terrace houses with any potential increase limited to a 1-hour at midday during staff hand over periods. In general, it is anticipated there would be two cars associated with the use which is the same as expected for the existing C3 use. It is also the case that the property is roughly equidistant from Birbeck Road and Simonswood Lane where there are no parking restrictions in place. Moreover, if private cars are the preferred method of transport, no cars will be parked in front of the property and therefore any persons arriving or departing by private car would not be discernible. In addition, the property is situated in an area which is particularly well served by public transport; and
- vi) Finally, no physical alterations or other changes to the property are required.

5.0 PRECEDENT CASES

- 5.1 The applicant refers the decision maker to an Appeal Decision for a Lawful Development Certificate (LDC) issued under reference APP/M4320/X22/3300634 dated 13 December 2022 for

change of use of a dwelling house (Class C3) to a children's home (Class C2). A copy of the appeal decision is included as Appendix 1. This appeal related to a mid-terrace, four-bedroom house in Waterloo, Liverpool (Sefton Council) in which no more than two children would be resident at any one time along with two staff carers. The appeal was upheld.

- 5.2 The Inspector concluded that, as a matter of fact and degree, the scale of the proposed use would not reach the point where it would give rise to such materially different planning circumstances that it would result in such a change in the definable character of the use, nor amount to a material change of use. No express planning permission would be required for the proposed use, and it would have been lawful from the date the application was submitted to the Local Planning Authority. Appendix 2 confirms that the Inspector also allowed a full award for costs against the LPA for unreasonable behaviour in refusing the application for an LDC in the first place.
- 5.3 Appendix 3 includes a copy of a Certificate of Lawfulness for Residential Dwelling (Use Class C3) to Children's Care Home (Use Class C2) for maximum of 1 No. Child recently issued by Knowsley Council on 27 March 2025 in respect of 8, Beldale Park, Kirkby Park, Kirkby, L32 2DE. It confirms that the proposal constitutes a lawful development for which planning permission is not required.
- 5.3 The applicant considers that this latter decision provides a precedent case within this local authority area and includes a copy of the Delegated Planning report at Appendix 4. As in the case for this application for a Certificate of Lawful Development:
- The proposal is to use a residential dwelling as a residential care home for one child;
 - The child in care will be living at the home with 24 hours support system network with 2 staff working on site at any one time with a manager working between 0900 and 1700 hours.
- 5.4 The Delegated Planning Report identifies that the presence of just one child is a factor in favour of the change not being material. It also notes that the presence of a manager on site can be a factor which increase the chances of there being a material change, but it is not a decisive factor in itself. It confirms that the presence of two adults and one child permanently at the premises would result in less persons than that of a typical use resulting in considerably more movement to and from the property than the use under consideration. It concludes for all these reasons that a change of use would take place, but this change is not material.

6.0 CONCLUSION

- 6.1 The applicant considers that there is no material difference between the proposed use of the property as a home for one child resident at any one time along with two staff carers than a typical Class C3 dwellinghouse. As such planning permission is not required. The proposed use is lawful and can commence with immediate effect.

- 6.2 Accordingly the Local Planning Authority is invited to issue a Certificate of Lawful Development under Section 192 of the Town and Country Planning Act 1990.

Knowsley Council
Regeneration and Economic Development Directorate.
Delegated Planning Report

<u>APPLICATION NO:</u>	25/00124/CLD	<u>CASE OFFICER:</u>	Andrew Hunt
<u>WARD:</u>	Whitefield	<u>PARISH:</u>	N/A
<u>LOCATION:</u>	8 Beldale Park, Kirkby Park, Kirkby, Knowsley, L32 2DE		
<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

The application site is a semi detached dwelling set within a rectangular plot on Beldale Park. There are other dwellings to the north, south and east and west.

Proposal

The proposal is for a certificate of lawfulness for proposed use of residential dwelling as a residential care home for 1 no Child. The set up of the home would be one child living at the home with a 24 hour support system network, with 2 staff on site at any one time, and a manager working 9 to 5 weekdays. Shifts start at 10 am, with 2 staff sleeping over and working 3 days on, after the 3 day shift 2 new staff will come on and take over for a 3 day shift.

Consultations

N/A

Representations

N/A

Planning History

N/A

Relevant Policy

General Permitted Development Order (2015) (as Amended)

Assessment

PROPOSAL

The proposal is for a certificate of lawfulness for proposed use of residential dwelling as a residential care home for 1 no Child. The set up of the home would be one child living at the home with a 24 hour support system network, with 2 staff on site at any

one time, and a manager working 9 to 5 weekdays. Shifts start at 10 am, with 2 staff sleeping over and working 3 days on, after the 3 day shift 2 new staff will come on and take over for a 3 day shift.

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.

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 dwelling house 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 the whether the application would constitute a material change of use. The governments planning practise 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

Revision date: 06 03 2014"

Assessment

Change of Use

In relation to the proposed use, there would be a maximum of 1 children at the premises. The set up of the home would be one child living at the home with a 24 hour support system network, via 2 care staff on site at any one time, and a manager working 9 – 5. Staff would work a 72 hour shift rota based system. The proposed nature of the home would be a solo provision placement for just one young person.

As the carers would live at the premises and there would be 2 staff at the premises, the use falls under the C2 use class. A manager also would supervise the property during 9 – 5 on weekdays. It is therefore considered that a change of use would take place at the premises.

Material Change of Use

In relation to whether the change of use would be material, the presence of just 1 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, and would not be materially greater in terms of impact than a typical family use. A manager would also be present part of the time during 9-5 weekdays. Furthermore, up to 6 individual persons could live at the property as a shared residence which would be within the deemed C3 Use without planning permission being required and which could have considerably more movement to and from the property than the use under consideration.

It would be materially different to a site where there were two or three children at the site and a manager and carers.

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

Conclusion

The proposal constitutes a lawful development for which planning permission is not required.

Signed Case Officer¹:

Andrew Hunt

**Signed Authorising
Officer²:**

Jo Sheridan

Date:

26/03/2025

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



Appeal Decision

Site visit made on 18 November 2022

by Debbie Moore BSc (HONS), MCD, PGDip, MRTPI, IHBC

an Inspector appointed by the Secretary of State

Decision date: 13 December 2022

Appeal Ref: APP/M4320/X/22/3300633

9 Winstanley Road, Waterloo, Liverpool L22 4QN

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (the 1990 Act) as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Liam Wharton of Alternative Approach Ltd against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2022/00223, dated 3 February 2022, was refused by notice dated 5 April 2022.
 - The application was made under section 192(1)(a) of the 1990 Act as amended.
 - The use for which a certificate of lawful use or development is sought is proposed change of use from a dwellinghouse (Class C3) to a childrens home (Class C2).
-

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed use which is considered to be lawful.

Application for costs

2. An application for costs was made by Mr Liam Wharton of Alternative Approach Ltd against Sefton Metropolitan Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. In this type of appeal, the onus of proof is firmly upon the appellant with the relevant test of the evidence being the balance of probabilities. For the avoidance of doubt, the planning merits of the proposed use are not relevant to an appeal under section 195 of the 1990 Act. Therefore, comments from local residents concerning perceived impacts on living conditions due to noise and disturbance, anti-social behaviour, on-street parking and loss of privacy cannot be taken into account since these matters concern the planning merits. I must examine the submitted factual evidence, the history and planning status of the site in question and apply relevant law or judicial authority to the circumstances of this case.
4. The Council refused the application because – “There is no provision within the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 to change the use from C3 dwellinghouses to C2 Residential Institutions therefore a certificate of lawfulness cannot be issued”. It is not clear which part of Statutory Instrument 757 to which the Council refers. In any event, the Regulations had the effect of amending the Town and Country Planning (Use Classes) Order 1987, so it is the Use Classes Order (as amended) which should be relied upon.

5. The Use Classes Order specifies classes for the purposes of Section 55(2)(f) of the 1990 Act, which provides that a change of use of a building or other land does not involve development for the purposes of the Act if the new use and the former use are both within the same specified class. However, the Use Classes Order should not be interpreted as meaning that some change between use classes is necessarily development within the meaning of Section 55(1) of the 1990 Act¹. The key issue is whether the change is 'material'.

Main Issue

6. The main issue is whether the Council's decision to refuse to grant a lawful development certificate was well-founded. What must be determined is whether the increase in the scale of the proposed use would reach the point where it would give rise to such materially different planning circumstances that, as a matter of fact and degree, it would result in such a change in the definable character of the use that it would amount to a material change of use.

Reasons

7. The appeal property is a four-bedroom, mid-terrace dwellinghouse. It has a small yard to the front and rear, and no off-road car parking. The use would be as a childrens care home, in which no more than two children would be resident at any one time along with their two staff carers. A manager may also be at the premises during the daytime on certain weekdays. The only time when there would normally be more staff is during the handover between shifts, which would take place every two days. It is also anticipated that there may be one or two visits from social workers or other professionals each week.
8. For the vast majority of the time there would be a maximum of four persons present on site (two children and two adults). There would be comings and goings to and from school, staff handover times, plus social, recreational and other outings. However, I agree this would not be materially different from the number or pattern that would be reasonably expected with a family of four carrying out their day-to-day activities. While there would be additional visits from other professionals, this would likely be comparable with social visits from friends and family associated with a household of four.
9. The parking demand generated by the proposed use is likely to be higher than would be typical for most 4-bed, mid-terrace homes. However, the increase would not be significant given the proposed number of resident children and the consequent numbers of carers or professional visits. In addition, the area is relatively well-served by public transport and so parking demand may not be as high as the Council envisages. I do not consider the use would have a material impact on its surroundings in this respect.
10. The Council refers to appeal decisions in support of its case². The appeal at Bridge Street was against the refusal of planning permission. That Inspector was considering the planning merits of the proposed development not lawfulness. Moreover, the site-specific circumstances and the nature of the proposed use were significantly different.

¹ "Development" means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

² Refs APP/M4320/W/19/3231962 dated 25 October 2019 and APP/M4320/X/19/3233476 dated 23 June 2020.

11. The appeal at Warwick Street concerned the refusal of a lawful development certificate with the Inspector reaching a finding on the materiality of change. In that respect the appeal is relevant. However, the nature of the use, the number of staff and the size of the property are not comparable. The circumstances of that particular case are significantly different to the appeal before me.
12. Overall, I find that, as a matter of fact and degree, the scale of the proposed use would not reach the point where it would give rise to such materially different planning circumstances that it would result in such a change in the definable character of the use that it would amount to a material change of use. No express planning permission would be required for the change of use and it would have been lawful had it been instituted on the date of the application.

Conclusion

13. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the proposed change of use from a dwellinghouse (Class C3) to a childrens home (Class C2) was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Debbie Moore

Inspector

Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 3 February 2022, the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

As a matter of fact and degree, the scale of the proposed use would not reach the point where it would give rise to such materially different planning circumstances that it would result in such a change in the definable character of the use that it would amount to a material change of use. No express planning permission would be required for the change of use and it would have been lawful had it been instituted on the date of the application.

Signed

Debbie Moore

Inspector

Date: 13 December 2022

Reference: APP/M4320/X/22/3300633

First Schedule

Change of use from a dwellinghouse (Class C3) to a childrens home (Class C2)

Second Schedule

Land at 9 Winstanley Road, Waterloo, Liverpool L22 4QN

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.



Plan

This is the plan referred to in the Lawful Development Certificate dated: 13 December 2022

by **Debbie Moore BSc (HONS), MCD, PGDip, MRTPI, IHBC**

Land at: 9 Winstanley Road, Waterloo, Liverpool L22 4QN

Reference: APP/M4320/X/22/3300633

Scale: NTS





Costs Decision

Site visit made on 18 November 2022

by Debbie Moore BSc (HONS), MCD, PGDip, MRTPI, IHBC

an Inspector appointed by the Secretary of State

Decision date: 13 December 2022

Costs application in relation to Appeal Ref: APP/M4320/X/22/3300633 9 Winstanley Road, Waterloo, Liverpool L22 4QN

- The application is made under the Town and Country Planning Act 1990 (the 1990 Act), sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Liam Wharton of Alternative Approach Ltd for a full award of costs against Sefton Metropolitan Borough Council.
 - The appeal was against the refusal of a certificate of lawful use or development (LDC) for proposed change of use from a dwellinghouse (Class C3) to a childrens home (Class C2).
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Background

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant claims the Council has acted unreasonably through not providing a rational reason for refusing the LDC application. It is argued that the Council's decision notice specified irrelevant legislation and the reasoning was based on a misunderstanding of the application of the Use Classes within the Schedule to the Town and Country Planning (Use Classes) Order 1987. It is also argued that the Council has failed to determine cases in a consistent manner, with reference to a very similar proposal on the same road. Finally, the applicant maintains that the LDC should have issued and the failure to do so has delayed a use which should have been confirmed as lawful. This has caused the appellant to incur unnecessary expense in pursuing an appeal which could have been avoided.
4. The Council counters that the officer report clearly sets out the reasoning behind its refusal to grant the LDC, and this was based on planning judgement. There was no unnecessary delay in determining the application. It is also argued that the other case, which is claimed to be similar, was eight years ago and the Council focussed on more recent appeals.

Reasons

5. The Council's decision notice states that there is no provision within the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 to change the use from C3 dwellinghouses to C2 Residential Institutions therefore a certificate of lawfulness cannot be issued.

6. As explained in my Decision, the Regulations quoted had the effect of amending the Use Classes Order, so it is the Use Classes Order (as amended) which should be relied upon. In addition, the wording points to a misunderstanding of Section 55(2)(f) of the 1990 Act. This provides that a change of use of a building or other land does not involve development for the purposes of the Act if the new use and the former use are both within the same specified class. However, the Use Classes Order should not be interpreted as meaning that some change between use classes is necessarily development. The key issue is whether the change is 'material'.
7. The officer report did set out a brief analysis of whether there would be a change in the character of the use. However, the implicit conclusion that a material change of use would occur did not find its way into the reasons for refusing the application. The applicant understood from the decision notice that the proposal was unacceptable on a point of law and it was not apparent that any further assessment had taken place. Given that the decision notice also referred to a Statutory Instrument that was not relevant, I find that this amounted to unreasonable behaviour.
8. In addition, the analysis by the planning officer was limited, and there was scant regard to the information contained in the accompanying Planning Statement, which was accurate and relevant. Further, it is unclear whether the other proposal at No 51 Winstanley Road, which the Council approved, was considered nor how the Council justified reaching a different conclusion.
9. I consider that the Council's assessment of the proposal was limited and that factual information submitted with the application was not properly analysed. The planning officer did have some understanding of the matters at issue, but this was not properly set out in their delegated report. Nor were previous decisions properly assessed for their relevance. Consequently, an invalid reason for refusing the application was provided in the decision notice. A thorough and proper assessment of the application should have been undertaken, based on the correct tests.
10. I, therefore, find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs is justified.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Sefton Metropolitan Borough Council shall pay to Alternative Approach Ltd, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
12. The applicant is now invited to submit to Sefton Metropolitan Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Debbie Moore

Inspector



Knowsley Council

**REGENERATION AND ECONOMIC
DEVELOPMENT DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Application No: 25/00124/CLD

Name and address of applicant

1st Places
48-52 Penny Lane
Liverpool
L18 1DG

Name and address of agent

KG Planning Ltd
26 Andrew Lane
Bolton
BL1 7JQ

Date of Receipt: 26 February 2025

Date Valid: 26 February 2025

FIRST SCHEDULE

CERTIFICATE OF LAWFULNESS FOR RESIDENTIAL DWELLING (USE CLASS C3) TO CHILDRENS
CARE HOME (USE CLASS C2) FOR A MAXIMUM OF 1NO. CHILD

SECOND SCHEDULE

8 Beldale Park, Kirkby Park, Kirkby, Knowsley, L32 2DE

Knowsley Metropolitan Borough Council hereby certify that on 26 February 2025 the development described in the First Schedule to this Certificate in respect of the land specified in the Second Schedule to this Certificate and edged red on the plan attached to this Certificate would be lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

1. The proposal constitutes a lawful development for which planning permission is not required.

Executive Director - Regeneration and Economic Development

On Behalf of: Knowsley Metropolitan Borough Council

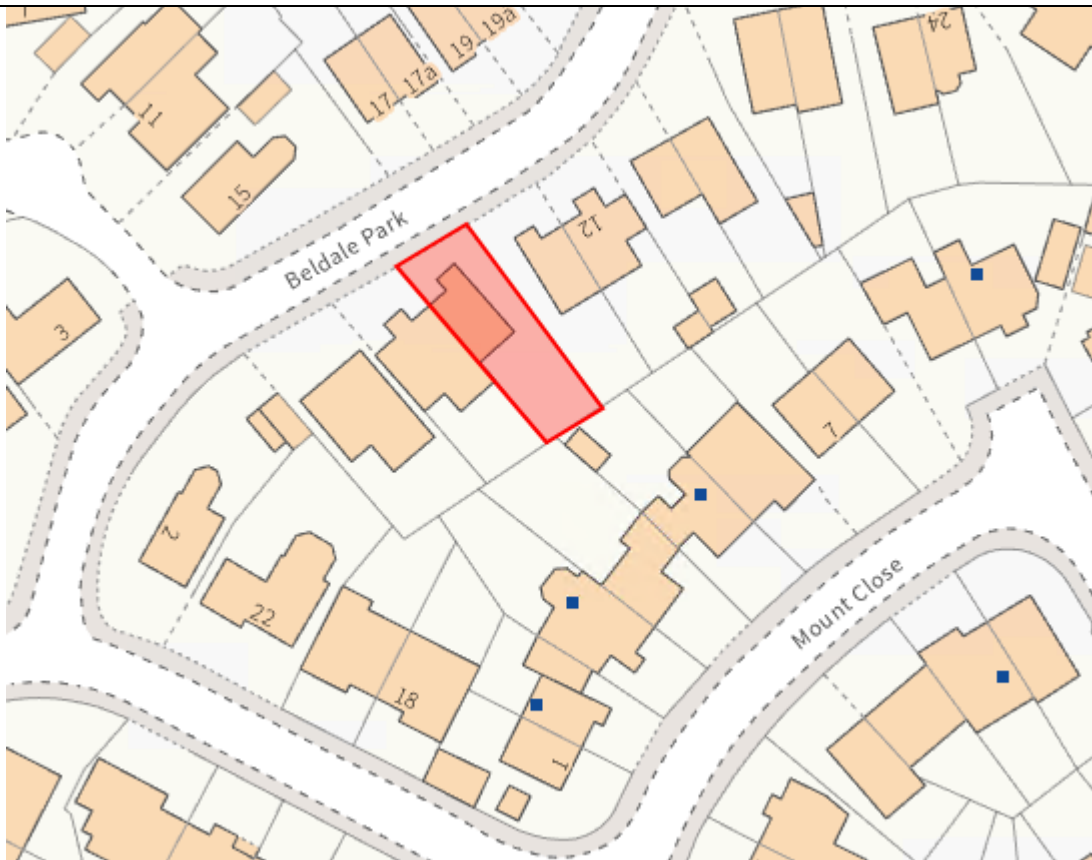
Date: 27 March 2025

Notes

1. This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the development specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful, on the specified date and, thus would not have been liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the development described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any development which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

**CERTIFICATE OF LAWFULNESS FOR RESIDENTIAL DWELLING (USE CLASS C3)
TO CHILDRENS CARE HOME (USE CLASS C2) FOR A MAXIMUM OF 1NO. CHILD**

8 Beldale Park, Kirkby Park, Kirkby, Knowsley



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Dated: 27 March 2025