

**MADDOX PLANNING**

# **PLANNING STATEMENT**

**LONDON & MANCHESTER**

**0845 121 1706**

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## **PLANNING STATEMENT**

**DERBY COTTAGE, 1 PARK ROAD, PRESCOT, L34 3LN**  
**30/07/2021**

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## **DESCRIPTION OF DEVELOPMENT**

Lawful development certificate to confirm the lawfulness of an existing use of buildings or other land ('the Application') under Section 191(1)(a) of the Town and Country Planning Act 1990 ('the Act') at Derby Cottage, 1 Park Road, Prescot, L34 3LN.

## **TYPE OF APPLICATION**

Lawful development certificate

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## **APPLICANT**

QUALITY PROTECTS CHILDREN LIMITED

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## **CONTENTS OF THIS STATEMENT**

1. Introduction
2. Legal and policy framework
3. Evidence
4. Conclusions

## **APPENDICES**

1. Ofsted inspection report
2. Existing floor plans

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## **1.0 INTRODUCTION**

- 1.1 The purpose of this statement is to support an application for a lawful development certificate to confirm the lawfulness of an existing use of buildings or other land ('the Application') under Section 191(1)(a) of the Town and Country Planning Act 1990 ('the Act') at 1 Park Road, Prescot, L34 3LN ('the Site'). The applicant is QUALITY PROTECTS CHILDREN LIMITED ('the Applicant'), and the local planning authority is Knowsley Council ('the Council').

### **THE EXISTING USE**

- 1.2 At the date of the Application, the use of the Site is a children's home accommodating three children/young persons at any one time and receiving care under the supervision of qualified support staff.

### **STRUCTURE OF STATEMENT**

- 1.3 This statement sets out the legal and policy framework for an application and determination procedure for obtaining a lawful development certificate for an existing use. The statement then provides the necessary evidence as required under the regulations before providing a conclusion.

### **APPLICANT'S INTEREST IN THE LAND**

- 1.4 The Applicant is the freehold owner of the property.

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## **2.0 LEGAL AND POLICY FRAMEWORK**

- 2.1 This section sets out the legal and policy framework for an application and determination procedure for obtaining a lawful development certificate for an existing use.

### **TOWN AND COUNTRY PLANNING ACT 1990**

- 2.2 Under Section 191(1)(a) of the Act any person can apply to ascertain whether any existing use of buildings or other land is lawful. In making an application the applicant must specify the land and describe the use. Section 193 of the Act states that an application for a certificate under section 191 shall be made in such manner as may be prescribed by a development order and shall include such particulars, and be verified by such evidence, as may be required by such an order or by any directions given under such an order or by the local planning authority ('LPA').

### **TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015**

- 2.3 Under article 39 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 ('the Order') an application under section 191 of the Act must be made on a form published by the Secretary of State (or on a form substantially to the same effect) and must, in addition to specifying the land and describing the use in question in accordance with those sections, include the particulars specified or referred to in the form. An application must be accompanied by:
1. A plan identifying the land to which the application drawn to an identified scale and showing the direction of North;
  2. Such evidence verifying the information included in the application as the applicant can provide; and;
  3. A statement of the applicant's interest in the land and whether any such other person has been notified of the application.

### **LOCAL PLANNING AUTHORITY REQUIREMENTS**

- 2.4 For applications for lawful development certificates, the LPA requires planning statements to include the following information:
- Applications for a certificate of lawfulness must be supported by information that demonstrates why the existing or proposed development is lawful; and
  - You must explain in your own words why you consider a Lawful Development Certificate should be granted. The evidence necessary to prove your entitlement to a certificate will depend on what is being applied for, but you should always remember that the emphasis is on the applicant to convince the local authority that a certificate should be issued. Therefore, the evidence submitted should be clear and convincing.

### **PLANNING PRACTICE GUIDANCE**

- 2.5 Where an application has been made under section 191, the statement in a lawful development certificate of what is lawful relates only to the state of affairs on the land at the date of the certificate application (17c-002-20140306).
- 2.6 An application needs to describe precisely what is being applied for (not simply the use class) and the land to which the application relates (17c-005-20140306).

- 2.7 The applicant is responsible for providing sufficient information to support an application, although a local planning authority always needs to cooperate with an applicant who is seeking information that the authority may hold about the planning status of the land. In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence along is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability (17c-006-20140306).
- 2.8 A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is lawful. Planning merits are not relevant at any stage in this particular application (17c-009-20140306).

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### **3.0 EVIDENCE**

- 3.1 This section sets out the evidence, both proof and circumstantial, to support the application.

#### **BACKGROUND**

- 3.2 The Applicant owns a privately run children's home, it provides care and accommodation for children of either sex who have emotional and behavioural difficulties. Physical care is not a requirement of the business as no children at the property have any physical disabilities. All children have their own bedroom, and the mix of children is matched in accordance with their need's assessment.
- 3.3 The Applicant has been working for over 19 years and operates seven children's homes within the northwest. As a result, they have an existing relationship with the relevant Looked After Children's departments including Knowsley's. All the company's homes are rated by Ofsted with one home in Knowsley (Lawrence House) rated "Outstanding".
- 3.4 1 Park Road, Prescott, is a home for three young people who are unable to live with their birth families for a variety of reasons. This is mainly in relation to complex needs and trauma-related behaviour. The mantra of the company is 'acting as a good parent should' and it provides the highest quality care within the highest quality setting as close to a family environment as possible within the local community.
- 3.5 The key assessment to consider is whether in its use as a children's home accommodating three children/young persons at any one time and receiving care under the supervision of qualified support staff, there has been a material change of use at the property from its former use as a dwellinghouse. There is no statutory definition of a 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 has to be determined on the individual key issues and merits of the case.

#### **KEY ISSUES**

- 3.6 The key issues in determining whether there has been no material change of at the Site from a single dwellinghouse to a children's home are: 1) the number of residents involved, for example if the number of residents is not more than six then this is consistent with a dwellinghouse use and 2) how the operation is conducted, for example if resident care is not required overnight but is provided in shift patterns such that there is no change in the character of a dwellinghouse (i.e. no increase in comings and goings and disturbance) then again this is consistent with a dwellinghouse use.

#### **NUMBER OF RESIDENTS**

- 3.7 The property is occupied by three young people who are cared for by staff at all times, which is consistent with the number of residents occupying a family dwellinghouse.

#### **OPERATIONS ON-SITE**

- 3.8 There are two staff shifts: daytime (8am to 8pm) and nighttime (8pm to 8am).. The nighttime staff do not sleep in the home but stay awake. Care is provided in the form of domestic chores, cleaning and preparing meals for themselves and the children. The homes also have access to support such as therapy and social work support. The routines of the young people seek to mimic that of a traditional family as much as possible.
- 3.9 The home is registered with Ofsted ('the Regulators') and it will inspect the home once a year. The home was registered in 2007. The home also adheres to the Children's Homes Regulations (England) 2015 as well as the

Quality Standards set out by Ofsted. An Ofsted inspection report (property registration number (SC356929) is attached at Appendix 1.

### **CHARACTER AND APPEARANCE**

- 3.10 A visit to the Site and an internal inspection will provide proof through physical evidence that at the date that the Application is made the Site is used as a single dwellinghouse accommodating three children/young persons at any one time and no material change of use has occurred as it is akin to a family dwelling.
- 3.11 The property is occupied and run as a normal family home with a single kitchen where all food is cooked and eaten in a family environment. This kitchen is provided on the ground floor alongside living space, dining room and small staff area. The upper floors comprise of separate bedrooms for each young person. Shower rooms and toilets are located on the first floor. An existing layout plan is attached at Appendix 2.
- 3.12 As set out above, the activities and occupancy of the home is akin to that of a family dwelling and as such, there is no material change in the amount and arrangement of storing refuse and recycling. The refuse and recycling is collected via ordinary domestic refuse services which the Council operates. The young people and staff predominately travel by public transport and therefore, the level of vehicular trips to the property is consistent with a dwellinghouse use.
- 3.13 As the activities and occupancy of the home is akin to that of a family dwelling, there is no material change in the amount of noise generated from the property. Nor have any material changes been made to the external appearance of the building, which materially alter the outlook or amenity for neighbouring properties.

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#### **4.0 CONCLUSION**

- 4.1 The evidence set out in this statement demonstrates that the existing use of the Site at the date of this Application is a single dwellinghouse accommodating three children/young persons at any one time and receiving care under the supervision of qualified support staff. There has subsequently, been no material change to the use of the property as there has been no change in its residential character.
- 4.2 Consequently, we respectfully request that the Council issues a certificate of lawful development for the existing use of 1 Park Road, Prescott as a children's home accommodating three children/young persons at any one time and receiving care under the supervision of qualified support staff. The evidence provided form the reasons for determining the use to be lawful and for such reasons to be included on the certificate as prescribed under section 191(5)(c) of the Act.

# APPENDIX 1

# SC356929

Registered provider: Quality Protects Children Ltd

Full inspection

Inspected under the social care common inspection framework

## Information about this children's home

A private company owns the home. The setting provides cares for up to three children who may have social and/or emotional difficulties.

The registered manager resigned in March 2021. An acting manager has been appointed. Her application to register with Ofsted is being processed.

Due to COVID-19 (coronavirus), at the request of the Secretary of State, we suspended all routine inspections of social care providers on 17 March 2020.

We last visited this setting on 21 October 2020 to carry out an assurance visit. The report is published on the Ofsted website.

### Inspection dates: 8 to 9 June 2021

**Overall experiences and progress of children and young people, taking into account** **inadequate**

How well children and young people are helped and protected **inadequate**

The effectiveness of leaders and managers **inadequate**

There are serious and/or widespread failures that mean children are not protected or their welfare is not promoted or safeguarded.

**Date of last inspection:** 15 January 2020

**Overall judgement at last inspection:** good

**Enforcement action since last inspection:** none

## Recent inspection history

| Inspection date | Inspection type | Inspection judgement |
|-----------------|-----------------|----------------------|
| 15/01/2020      | Full            | Good                 |
| 08/01/2019      | Full            | Good                 |
| 11/10/2017      | Full            | Good                 |
| 21/08/2017      | Full            | Inadequate           |

## Children's home details

**Unique reference number:** SC356929

**Provision sub-type:** Children's home

**Registered provider:** Quality Protects Children Ltd

**Registered provider address:** Hill House, Archway Road, Huyton, Liverpool L36 9XB

**Responsible individual:** Anthony Nolan

**Registered manager:** Post vacant

## Inspectors

Judith Birchall, Social Care Inspector

Marina Tully, Social Care Inspector

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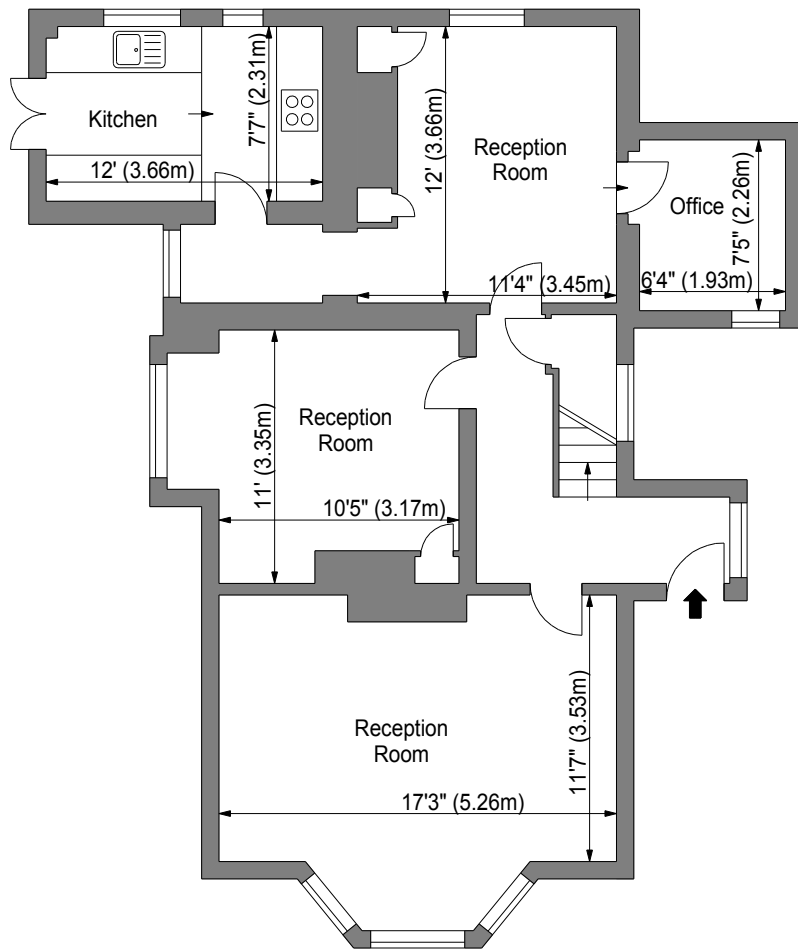
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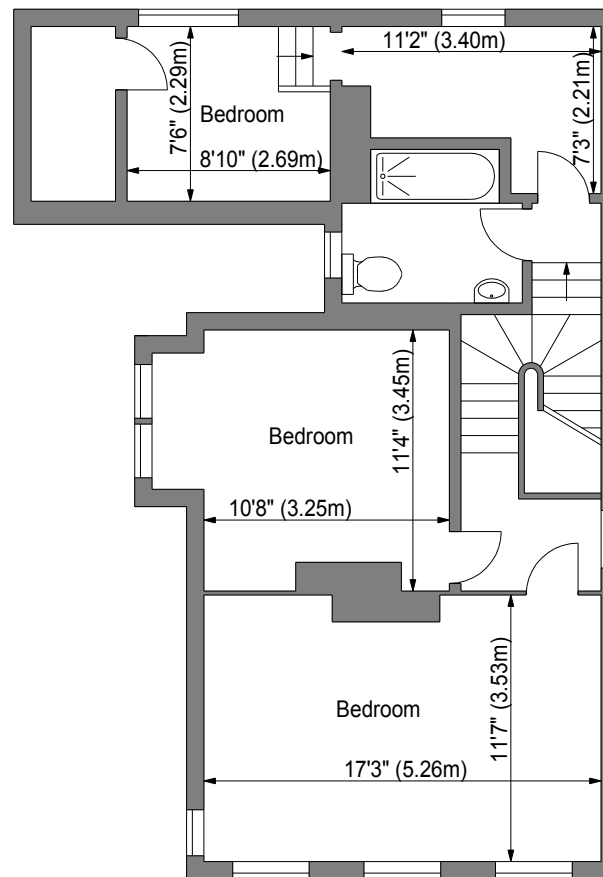
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# APPENDIX 2



GROUND FLOOR



FIRST FLOOR



#### GENERAL NOTE

This drawing is to be read in conjunction with all other relevant drawings, schedules and specifications issued by BKR Floorplans. All interior dimensions including ceiling heights are taken to and from finished surfaces unless otherwise stated. All levels and dimensions must be checked on site.

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This drawing should not be used in any circumstances for any structural calculation or building construction / demolition work.

| REV. | DESCRIPTION          | BY | DATE       |
|------|----------------------|----|------------|
| 01   | Existing Floor Plans | TB | 02.07.2021 |

#### SITE

DERBY COTTAGE  
1 PARK ROAD  
PRESCOT  
L34 3LN

#### TITLE

EXISTING FLOOR PLANS

#### REFERENCE NUMBER

#### APPROX. FLOOR AREA

G.I.A.: 135.63 SQ M / 1460 SQ FT

#### SCALE ON A4

1:100

#### DATE

02/07/2021



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