

<u>APPLICATION NO:</u>	25/00585/CLD	<u>CASE OFFICER:</u>	Reece Black
<u>WARD:</u>	St Michael's	<u>PARISH:</u>	Prescot Town Council
<u>LOCATION:</u>	St Aidans R C Church, Adswood Road, Huyton		
<u>PROPOSAL:</u>	CERTIFICATE OF LAWFULNESS FOR CHURCH (F1) TO SCHOOL (F1)		

Site Description

The application site is located at St Aidan's R C Church, Adswood Road, Huyton and is situated within a Primarily Residential Area in the Local Plan Policies Map. The application building comprises of a large, detached building, set back from the road frontage and surrounded by both hardstanding associated with the premises and grassed areas. Vehicular and pedestrian access to the site is taken from Adswood Road.

The building is faced with brick to the elevations and predominately served by a shallow dual-pitched roof, with flat roofed sections. The site is bounded by residential properties, with St. Aidan Catholic Primary School located adjacent the site to the south / south-west and St. Aidan Social Parish Club situated to the north-east.

The existing facility is currently vacant.

Proposal

The application seeks a Certificate of Lawfulness, submitted under Section 192 of the Town and Country Planning Act 1990 (as amended) for the proposed change of use of the premises from a church under Class F.1 (Learning and non-residential institutions), specifically *F.1 (f) for, or in connection with, public worship or religious instruction* to a school also within *F.1 (a) for the provision of education*. The submitted planning statement outlines the description of the proposed use as

"The use of St. Aidan's Roman Catholic Church, Adswood Road, Huyton as a day school (Class F1) for primary and/or secondary age pupils."

The submitted Planning Statement details that the proposed use would provide day education provision to primary and/or secondary school ages. No internal or external works are proposed within the application; it is limited to the change of use of the existing building and associated land for day education purposes.

The grounds for the application states that planning permission is not required, as no 'development' would occur as a result. Both the existing and the proposed use fall within the same Use Class; Use Class F.1 of the Town and Country Planning (Use Classes) Order (1987) as amended.

Consultations

There is no statutory requirement to consult third parties, including parish councils or neighbours. This is not required for a Lawful Development Certificate application as it

is only a determination against relevant legislation, whether a development is lawful, it is not an application for planning permission.

Representations

This application has not been publicised via neighbour consultation letters, site or press notices. This is not required for a Lawful Development Certificate application as it is only a determination against relevant legislation, whether a development is lawful, it is not an application for planning permission.

Planning History

APP. NO:	74/13187/HIST
PROPOSAL:	ST AIDANS RC INFANT SCHOOL ADSWOOD ROAD HUYTON :- CHANGE OF USE AND EXTENSION TO FORMER JUNIOR SCHOOL TO FORM PARISH CENTRE INCLUDING CHURCH PRESBYTERY MEETING ROOMS ALTERATION OF EXISTING VEHICULAR ACCESS CONSTRUCTION OF NEW PEDESTRIAN ACC
DECISION:	GRANTED
DECISION DATE:	10 June 1991

Legislation

The Town and Country Planning (General Permitted Development) (England) GDPO) Order 2015 (as amended).

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

Article 35 Statement

N/A

Legal Context

The key statutory framework for Lawful Development Certificates and their determination is set out in Sections 191-193 of the Town and Country Planning Act 1990 (as amended).

The application is made under S192 of the TCPA 1990 (as amended). An application under S192 seeks to establish whether:

- a) Any proposed use of building or land; or
- b) Any operations to be carried out in, on, over or under land,

Would be lawful.

S192 (2) sets out that if an application this section, the lpa are provided with information satisfying that the use or operations described in the application be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect.

It is therefore not an application for planning permission. Instead, it is a legal determination based upon evidence and facts presented by the applicant as to

whether the stated activity would be lawful. In such cases, the lpa needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Issues such as planning policies do not fall within the consideration as the decision is based on fact and not on policy grounds and therefore planning merits are not relevant at any stage in this particular application process.

Class F1 was introduced on 1st September 2020 (The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) and captures together a range of uses, all now considered to be in the same Use Class; some of these uses include former Use Classes of D1 (non-residential institutions) which is now defunct and superseded by Use Class F1.

Schedule 2, Part B of the Use Classes Order states that:

Use, or part use, for all or any of the following purposes-

Class F.1 Learning and non-residential institutions

Any use not including residential use—

- (a) for the provision of education,*
- (b) for the display of works of art (otherwise than for sale or hire),*
- (c) as a museum,*
- (d) as a public library or public reading room,*
- (e) as a public hall or exhibition hall,*
- (f) for, or in connection with, public worship or religious instruction,*
- (g) as a law court.*

Paragraph (1A) under Article 3. (Use Classes) of the Town and Country Planning (Use Classes) Order 1987 (as amended) states that subject to the provisions of this Order, where a building or other land is situated in England and is used for a purpose of any class specified in –

- a) Part B or C of Schedule 1, or
- b) Schedule 2,

The use of that building or that other land, or if specified, the use of part of that building or the other land (“part use”), for any other purpose of the same class is not taken to involve development of the land.

Supporting Information Provided

The application seeks to confirm that the change of use from an existing place of worship / religious institution under Class F.1 of the UCO 1987 would not amount to a material change of use under Section 55 (1) of the Town and Country Planning Act 1990 (As amended).

The applicants have submitted a Planning Statement in support of the application which outlines the reasoning for the submission for a Lawful Development Certificate.

The application was supported by a:

- Planning Statement, prepared by Alder King Planning Consultants and received on 29.10.2025
- Covering Letter, prepared by Alder King Planning Consultants and received on 29.10.2025

- Location Plan (Scale 1:1250) and received on 29.10.2025

The Planning Statement in summary outlines that:

- The application seeks to permit the lawfulness of proposed use of the site as a day school (Class F1) and the site will be used to deliver day education provision to children aged 4-18 years.
- No internal or external works are being proposed within this application.
- The Planning Statement claims that the application site was originally built and then used as a place of worship. No planning permission has subsequently been granted for any alternative use of the site.
- The Town and Country Planning (Use Classes) Order 1987 was amended in September 2020. Prior to this, places of worship fell within Use Class D1 (now defunct) and since 1 September 2020 places of worship fall within the new Use Class F1 (Learning and Non-Residential Institutions).
- The existing lawful use of the application site is for any purpose (whether a place of worship or not) which falls within Use Class F1.
- It is claimed that the site has an existing lawful planning use for any purpose falling within Class F1 of the Town and Country Planning (Use Classes) Order (1987) (as amended).
- The site has only ever been used as a place of worship (a Class F1 use) since the building was first constructed in 1992.
- No planning permission has been granted for any use of the site and furthermore there is no planning restriction (such as restrictive condition) on how the site can be used within the relevant Use Class.
- There would not be any breach of condition.
- The proposed change of use is not considered to meet the statutory definition of 'development' as the change of use would, before and after, would both be within the same Use Class.

Included within the Planning Statement are copies of approval notices from other LPA's, referenced within the documents as appendices 2-5, which are as follows:

- St. David's Roman Catholic Church, Newton-le-Willows (Ref: P/2025/0468/CLP) – LDC issued by St. Helen's Council in August 2025 confirming the use of the place of worship as day school did not require planning permission (Appendix 2).
- West Wickharm Methodist Church (Ref: 25/01718/PLUD) – LDC issued by the London Borough of Bromley in September 2025 confirming the use of the place of worship as a day school did not require planning permission (Appendix 3).
- Salem Methodist Church, Halifax (Ref: 24/00147/192) – LDC issued by Calderdale Metropolitan Council in February 2024 confirming the use of the place of worship as a day school did not require planning permission (Appendix 4).
- Hartpury Methodist Chapel (Ref: P1351/23/LD2) – LDC issued by Forest of Dean District Council in December 2023 confirming the use of the place of worship as a day school did not require planning permission (Appendix 5).

Assessment

The proposal is for a Certificate of Lawfulness for a proposed use of the site as a day school (Use Class F.1 (f)) for primary and/or secondary age pupils.

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

The key questions are whether the proposal would:

- a. Fall within Class F.1 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.

The relevant uses here would comprise of F.1(a) as the proposed use of the site *for the provision of education* and F.1(f) as the alleged existing use *for, or in connection with public worship or religious instruction*.

The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. This application seeks confirmation that planning permission is not required for the change of use from place of public worship / religious institution F.1(a) to provision of education (F.1(a)) for primary and/or secondary age pupils.

Paragraph 012 of the National Planning Practice Guidance (NPPG) (*When is Permission Required*) states that *movement from one primary use to another within the same use class is not development and does not require planning permission*.

The Town and Country Planning Act 1990 states that *planning permission is only needed if the work being carried out meets the statutory definition of 'development', as set out in Section 55 of the Act. 'Development' includes a material change of use of land and buildings. However, Section 55(2) of the Act also outlines the categories of work that do not constitute 'development'. These include a change in the primary use of land and/or buildings where the before and after use both fall within the same use class*. In summary, planning permission is not required to move between two uses where they both fall within the same Use Class.

Existing Use

The local planning authority's (lpa) records affirm that the application site was previously a junior school, within the complex of buildings within the locality, which comprised the infant school, existing church, presbytery and social club on the south-east side of Adswood Road.

Under 74/13187/HIST, which was for the *change of use and extensions to former junior school to form Parish Centre, including church, presbytery, meeting rooms, alterations to existing access and construction of new pedestrian access* and granted 10.06.1991, resulted in the relocation of the junior school and integration within the adjacent infant school, to the south / south-west (which is now St. Aidan Catholic Primary School, a voluntary aided school which accommodates the age range of 3-11 years). The premises was then converted and altered to create a church, presbytery and associated meetings rooms.

The previous church premises was addressed by way of a condition which stated that *"within one month of the development hereby permitted being brought into use the use of the existing church shall cease, and notwithstanding the provisions of the Schedule to the Town and Country Planning (Use Classes) Order 1987, the vacated*

church shall not be brought into the use for any purposes within Class D.1 of the Schedule to that Order, without first obtaining the written permission of the Local Planning Authority” with the reason included as “to safeguard the Local Planning Authority’s control over the future use of the buildings on the site and to restrict an over intensification of Class D.1 (Non-Residential Institutions) Uses, in the interest of the amenity of the occupiers of surrounding properties and highway safety.”

Therefore, the lawful use of the property is Class F.1(f) use, there has not been an alternative lawful use established either by a subsequent application or continuous 10-year use of the building. Class F.1(f) must be considered as the lawful use for this application.

The lpa’s planning records affirm that the site was altered and converted to a religious institution / place of worship (the church with presbytery) in accordance with 74/13187/HIST. This condition did not include any restrictive condition prohibiting permitted development rights or restriction on how the site can be used within the relevant use class. There are no subsequent planning applications which followed that granted any alternative use of the site. The application site has a lawful use of Use Class F.1(f) as a place of public worship / religious institution and the proposed use of the site, as a provision of education Class F.1(a), is within the same Use Class. It is also worth nothing that the Planning Statement submitted asserts that the building was erected in 1992, however, as the records show, this is incorrect. The premises was not constructed in 1992; however, permission was granted for the change of use (as outlined) in 1991.

Therefore, in the absence of any restrictive condition restricting the uses on the site, the proposed change of use would remain within Use Class F.1 and is not to be understood to involve development of the land. Consequently, the proposed change of use is considered lawful for planning purposes under Section 192 of the Town and Country Planning Act 1990 (as amended) and thus would not require planning permission and a Certificate of Lawfulness can be granted.

Conclusion

The proposed change of use from a Use Class F.1(f) as a place of public worship / religious institution to Use Class F.1(a) for the provision of education is within the same Use Class and subsequently, would not constitute ‘development’ and therefore an application for full planning permission would not be required.

Therefore, the application should be approved and the local planning authority should grant a Certificate of Lawful Development under the Town and Country Planning (General Permitted Development) (England) 2015.

Recommendation

- 1 Grant a Certificate of Lawful Development under the Town and Country Planning (General Permitted Development) (England) 2015.

Signed Case Officer¹: Reece Black

Signed Authorising Officer²: Jo Sheridan

Date: 19/02/2026

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