



31 Clare Walk, L10 4YG
Planning Statement

Aynsley Planning

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1.0 Introduction

- 1.1 This Statement has been prepared by Aynsley Planning on behalf of Safe Hands Liverpool to change the use of 31 Clare Walk, to a C2 children's care home for one child aged between 4 and up to 18 years old with 24-hour care provided by up to 2 carers sleeping overnight on a rota basis.
- 1.2 This statement should be read in conjunction with the submitted plans and application form, which together make up the Lawful development Certificate application.
- 1.3 The aim of this Planning Statement is to provide details of the Existing and Proposed Use of the building, and to demonstrate how the proposed use would not result in any material change to the character and appearance of the building, or indeed no material change to the nature of the current use of the building, making reference to relevant appeal decisions where appropriate, which are material to the determination of the application.

Submission

- 1.4 The description of development is as follows:
- 1.5 *Application for Lawful Development Certificate for use of a of a dwelling (C3a) as a children's home (C2) for a maximum of one child.*
- 1.6 The submission comprises the following:
- Planning Statement (this statement)
 - Completed Validation Proforma
 - Safe Hands Liverpool Business Plan
- 1.7 Application Plans accompanying this application are listed as follows:
- Location Plan
 - Block Plan
 - Existing Floor Plan and Elevations
 - Proposed Floor Plan and Elevations

Planning History

- 1.8 There is no known planning history associated with the site.

2.0 Site Context

- 2.1 The application site is a two storey two-bedroom terraced house situated on Clare Walk. There is hard standing to the front of the property, with a garden and garage to the rear. The area is residential in character.
- 2.2 The current residential property has been occupied as a single-family unit C3a since its construction.
- 2.3 As detailed on the existing plans, the ground floor that comprises of a Lounge, Dining Room and Kitchen, and the first floor comprises of 2 Bedrooms and a shared bathroom.

3.0 Proposed Development

- 3.1 The application seeks to establish that the existing property can be used for the care of a maximum of one child between the ages of 4 and 18, with 24-hour supervision, without the need for planning permission to be granted, on the basis that the proposed use is lawful.
- 3.2 The proposal will involve the young person being looked after by carers, operating on a shift basis and supported by one manager. There would be up to 2 carers present during the daytime and up to 2 carers present overnight, it is anticipated that at most times the property will have 1 carer present.

Care Home Requirement

- 3.3 This application seeks to respond to an identified and pressing need for additional Class C2 children's residential care provision within Knowsley Borough, in alignment with the Council's statutory sufficiency duty and the priorities set out within Knowsley's Sufficiency Needs Assessment for Children.
- 3.4 Knowsley Council's Sufficiency Needs Assessment confirms the authority's duty under Section 22G of the Children Act 1989 to ensure, so far as reasonably practicable, that sufficient accommodation is available within the borough to meet the needs of children it looks after and those on the edge of care. It emphasises the importance of securing a range of high-quality placements that enable children to live as close as possible to their families and communities, recognising that local placements are fundamental to improving outcomes and maintaining stability in education, relationships, and support networks.
- 3.5 Where sufficient local placements are unavailable, the Council must rely on external provision, which can increase financial costs and reduce placement stability for children. Local policy strongly prioritises enabling children to remain within the borough wherever possible, maintaining connections to family, schools, and community support systems, which are widely recognised as critical to achieving positive long-term outcomes.
- 3.6 The development of small-scale, regulated Class C2 children's homes within Knowsley is therefore a key component in addressing these identified needs. This proposal directly supports the Council's strategic objective to strengthen in-borough provision and reduce reliance on distant placements by delivering a high-quality, locally accessible residential care setting.
- 3.7 The proposed home will provide a safe, supportive, and professionally managed environment for children requiring care under the Children Act 1989, operating in full accordance with Ofsted standards and adopting a child-centred, trauma-informed model of care. In doing so, it will contribute to Knowsley Council's ability to fulfil its statutory sufficiency duty, improve placement stability, and enhance outcomes for vulnerable children and young people.

4.0 Planning Policy Context

4.1 The proposal is for a certificate of lawfulness for the 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 up to 2 members of staff on site at any one time and a manager during weekday hours on an ad hoc basis.

4.2 The key questions are whether the proposal would:

- Fall within Class C3 of The Town and Country Planning (Use Classes) Order 1987 as amended (the UCO).
- if required whether the changes would constitute a material change of use.

Class C3

4.3 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.

4.4 A key consideration in the interpretation of the UCO is North Devon District Council v First Secretary of State [2003] EWHC 157.

4.5 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.

4.6 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

4.7 In relation to 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

- 4.8 In relation to the proposed use, there would be a maximum of 1 child at the premises.
- 4.9 The set up of the home would be one child living at the home with a 24 hour support system network, via up to 2 care staff on site at any one time.
- 4.10 The proposed nature of the home would be a solo provision placement for just one young person.
- 4.11 The matter of whether a material change of use has occurred is a matter of 'fact and degree'. The key test is whether there has been a change of use in the character of the use, and second, the effects of this change upon neighbouring uses in the locality.
- 4.12 The Property is a two-bedroom terraced house. Due to the size of the property, it is likely that it would accommodate a family unit consisting of 1-2 adults – whether parents or guardians, and up to 2 children.
- 4.13 As the carers would live at the premises and there would be up to 2 staff at the premises, the use falls under the C2 use class.

Material Change of Use

- 4.14 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.
- 4.15 The presence of up to 2 adults (only occasionally with manager visits) and 1 child permanently at the premises would result in less persons than that of a typical family at the property. The impact would not be materially greater than a typical family use, and it would be utilised for residential purposed in as much as it provides continuous living accomodation.
- 4.16 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.
- 4.17 Therefore, it is considered that change of use would take place, however there is no material difference in the function of the property and as a result, planning permission is not required.

5.0 Conclusion

- 5.1 It is maintained that there is no material difference in planning terms between the proposed use and the current dwelling.
- 5.2 The carers, working on a rota basis, would effectively live at the dwelling house to provide 24-hour care, as a single household. Facilities such as the bathroom, kitchen and lounge would be shared and the living mode would be communal. The comings and goings associated with the use would not be materially different from a typical residential household.
- 5.3 It is maintained the level of activity, associated with the proposed use, would be comparable with that which might reasonably be expected to be generated by a single family that could occupy a property of this size.
- 5.4 On this basis, it is considered that the proposed change of use from C3 to C2 would be lawful, as it would not constitute a material change of use.
- 5.5 The North Devon Judgement confirms that whilst the proposed use may fall within a different Use Class, it does not necessarily follow that a material change of use has occurred, and that this is a judgement to be made by the decision maker, as matter of fact and degree, based on the individual circumstances of the case.
- 5.6 Based on the above, it is respectfully requested the Local Authority grant the applicant a Certificate of Lawfulness without delay.