

<u>APPLICATION NO:</u>	25/00508/CLD	<u>CASE OFFICER:</u>	Reece Black
<u>WARD:</u>	Prescot South	<u>PARISH:</u>	Prescot Town Council
<u>LOCATION:</u>	7 Castle Mews, Molyneux Drive, Prescot		
<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 located at 17 Castle Mews, Prescot and is situated within a Primary Residential Area in the Local Plan Policies Map. The application property is a two-storey, three-bedroom, end-terraced dwellinghouse. The property is brick facing to its elevations with white UPVC openings and brown, interlocking roof tiles.

There is off-street parking provided at the rear of the property (access taken from Bryer Road) which can accommodate 2 no. vehicles. The plot is irregular in shape. Prescot Community & Youth Centre is located to the north-west, a shopping district situated to the south and residential properties encircle the site.

Proposal

The proposal is for a certificate of lawfulness for the proposed use of residential dwelling (Use Class C3) as a residential care home (Use Class C2) for a maximum of 1 no. child.

- There would be a maximum of 1 child between the ages of 10 and 17.
- 24-hour care would be provided by two carers sleeping overnight on a rota basis.
- There would be a pool of 6 staff at the dwelling who would operate on a shift basis – which will be 2 days on 4 days off so the same staff will be there consistently for two days. There would be 2 carers per day completing a day and night shift (same staff members).
- Staff changeovers would take place at 10am, there would be 4 staff during a changeover period, but this would be a limited time.
- There would be a registered manager assigned to the property who would visit the property on an-hoc basis between 9am-5pm Monday to Friday. The manager would not work out of the property full-time and would be assigned to other care homes also.
- Aside from staff, other visitors to the site would include a member of the Social Services team, who would be required to visit every 6 weeks and an Ofsted visit taking place every 12 months.
- No physical changes are proposed to the external appearance of the property.

Consultations

N/A

Representations

N/A

Planning History

No relevant recorded planning history.

Relevant Policy

General Permitted Development (England) Order 2015 (as amended).

Article 35 Statement

N/A

Assessment

The proposal is for a certificate of lawfulness for proposed use of residential dwelling as a residential care home for 1 no. child.

The property would have 1 no. child residing at the property with a 24-hour support system network comprising of 2 no. staff (carers) at any one time with a manager completing site visits between the hours of 9am – 5pm, Monday – Friday.

The Town and Country Planning (Use Classes) Order 1986 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 no 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 at 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 Planning Practice Guidance for '**When is Permission Required**' (Paragraph 011) stipulates that *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.*

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 involving 1 no. child, with 2 care staff on site at any one time and a manager visiting during between the days and hours of 9am – 5pm, Monday – Friday. The staff would work on 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, the use falls under 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 1 no. 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 likelihood of there being a material change, but this alone is not a decisive factor. The presence of 2 adults and 1 child permanently residing 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 between the aforementioned days and hours. 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 – 3 no. 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 residential care home is considered to be acceptable, and a certificate of proposed lawfulness should be granted.

Recommendation

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

Signed Case Officer¹: Reece Black

Signed Authorising Officer²: Jo Sheridan

Date: 07/10/2025

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

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