

Planning Statement

Lawful Development Certificate to allow for the use of the property as a 1-child Children's Home with no external alterations

11 Jedburgh Drive, Liverpool L33 1EQ

June 2025

Ref: 25067

Rev: A

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I. INTRODUCTION

- I.1 Plande has been appointed to submit a supporting statement to establish that the use of 11 Jedburgh Drive, Liverpool L33 1EQ as a 1 child children's home would be lawful.
- I.2 The Lawful Development Certificate seeks confirmation specifically that the use of the property for one child, with one non-resident carer working on a shift basis would be lawful.



Figure 1: Location Plan

- I.3 This statement, which should be read in conjunction with the supporting information submitted with the application, aims to give an appraisal of the planning issues and merits in context with planning and other policies, guidance, and material considerations.
- I.4 This planning statement seeks to provide an overall summary of the existing site and surroundings; the relevant planning history of the site, and to provide justification for the proposed works, in order to support Knowsley Council in the determination of this proposal. The report is structured in the following format:
 - Section 2: Site & Surroundings
 - Section 3: Planning History
 - Section 4: Original Property
 - Section 5: The Proposal
 - Section 6: Relevant Use Class
 - Section 7: Material Change of Use Assessment
 - Section 8: Conclusion
- I.5 This statement has been prepared for the exclusive use of the applicant as part of their application and in accordance with the agreed scope of the project. The document may not be reproduced in whole or in part, without the prior written consent of Plande. The copyright in this document (including its electronic form) shall remain vested in Plande. Plande will not be liable for the contents or use of this document by any person for any purpose. The content herein, including but not limited to any assessments and conclusions, represents the author's opinions, not factual assertions, except where explicitly stated and independently verified.

2. SITE & SURROUNDINGS

- 2.1 The existing site comprises a two-storey semi-detached property with three bedrooms. At the front of the property is a paved driveway and garden laid to lawn. To the rear is a typical residential private amenity space.
- 2.2 The property sits on a road of similar styled residential properties in a predominantly residential area. The immediate surroundings predominantly feature residential properties. The area is characterised by a mix of semi-detached and detached houses.



Figure 2: Google Street View

- 2.3 The nearest town centre is Kirkby, located approximately 1.5 miles to the southeast of the address. This distance is easily accessible via local transport routes, providing residents with amenities and services typically found in a town centre.
- 2.4 The flood map illustrates that the application site is in Zone 1, an area with a low probability of flooding. The site is not within the Green Belt and is not within a Conservation Area. Additionally, the building is not a Listed Building nor in proximity to a Listed Building. The site is designated as a Primarily Residential Area in the local plan.

3. PLANNING HISTORY

- 3.1 A planning history search illustrates no relevant planning applications for the site.

4. ORIGINAL PROPERTY

- 4.1 The original property is self-evidently “a single, self-contained unit of occupation which can be regarded as being a separate ‘planning unit’ designed for residential purposes-containing the normal facilities for cooking, eating and sleeping associated with use as a dwellinghouse”.
- 4.2 As such the original use of the property falls within Class C3 of Town and Country Planning (Use Classes) Order 1987 (as amended).

5. THE PROPOSAL

- 5.1 This planning application seeks confirmation that the use of the property as a Children's Home for one child would be lawful.
- 5.2 The overall ethos of the scheme is to provide, as near as possible, a homely environment for people to enable them to live in local communities. The property will provide a home-like environment but with the relevant facilities and adaption to ensure residents can live a safe and independent life, with the relevant support from staff as and when required.
- 5.3 The nature of the existing building and proposed change of use means that there are no material differences in relation to overbearing, overshadowing, overlooking or visual intrusion.
- 5.4 It is suggested that the use of the site will be in keeping with and complementary to the vitality and mix within the area and will not have a negative impact on the amenity of the surrounding properties, the vitality, character, viability of the area as a whole.
- 5.5 No material changes are proposed to be made to the house which needs no adaption to facilitate the proposed use. No extensions are proposed to the building as part of this change of use application. The existing building is currently in good decorative and structural order.
- 5.6 The existing property features 3 no. bedrooms located on the first floor, with general living accommodation on the ground floor. The property, therefore, continues to be used as a traditional "dwellinghouse".
- 5.7 The child resident will have their own bedroom and share the communal kitchen and dining area on the ground floor with the carers. Carers will participate in the domestic and living activities with the resident.

ABOUT THE APPLICANT

- 5.8 Opus Care operates three-bedroom homes designed to provide personalised and attentive support for each child. Each home is staffed with a 2:1 support ratio, meaning two staff members are available to support one child at a time. This ensures individualised care, supervision, and attention, meeting each child's unique needs effectively while maintaining a high level of support.
- 5.9 A 2:1 staffing ratio is crucial in care settings, especially for vulnerable individuals. With two caregivers present, the child receives more personalised attention throughout the day. This creates a structured and safe environment that promotes consistency and routine, essential for the child's well-being. Caregivers assist with regular activities such as eating, engaging in educational and recreational activities, and personal hygiene. This additional support helps maintain the child's independence, reduces the risk of accidents, and ensures both their physical and emotional needs are met.
- 5.10 Ultimately, the 2:1 staffing model provides the stability necessary for individuals who require extra care. It fosters a sense of security, helping children lead a life that's as normal, fulfilling, and independent as possible, within their individual circumstances.
- 5.11 Opus care structure all staff shifts to provide consistency, stability and the best possible outcomes for the young people in their care, while also supporting staff with predictable full time working patterns. A 2 on, 4 off model is followed whereby the second staff member begins their shift a day after the first. This ensure that the same two staff members are not always paired together, promotes variety, and supports continuity and familiarity for the young person. It also ensures that both staff members do not rotate off shift at the same time. If the needs of the young person only require a 1:1 staffing ratio this will be on a 2 on, 4 off shift pattern.

- 5.12 Shifts are typically 24-48 hours in length, during which staff will sleep at the property. The standard shift pattern is as follows:

Day 1 – Start at 10.00 hours, sleep at the property from 23.00 hours.

Day 2 – Resume at 07.00 hours, with handover completed by 10.00 hours.

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M	T	W	Th	Fr	S	SN	M	T	W	Th	F	S	SN	M	T	W	Th	Fr	S	SN	M	T	W	Th	Fr	S	SN
2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
STAFF 1	STAFF 1	STAFF 2	STAFF 3	STAFF 6	STAFF 6	STAFF 1	STAFF 1	STAFF 3	STAFF 3	STAFF 6	STAFF 6	STAFF 1	STAFF 1	STAFF 2	STAFF 2	STAFF 5	STAFF 5	STAFF 1	STAFF 1	STAFF 3	STAFF 3	STAFF 6	STAFF 6	STAFF 1	STAFF 1	STAFF 2	STAFF 2
STAFF 2	STAFF 2	STAFF 4	STAFF 4	STAFF 5	STAFF 5	STAFF 2	STAFF 2	STAFF 4	STAFF 4	STAFF 5	STAFF 5	STAFF 2	STAFF 2	STAFF 4	STAFF 4	STAFF 5	STAFF 5	STAFF 2	STAFF 2	STAFF 4	STAFF 4	STAFF 5	STAFF 5	STAFF 2	STAFF 2	STAFF 4	STAFF 4
MANAGER		MANAGER						MANAGER		MANAGER				MANAGER		MANAGER						MANAGER		MANAGER			

Figure 3: Typical staff shift pattern

- 5.13 The Applicant is in the process of becoming Ofsted registered and the home will require an Ofsted Registered Manager to adhere to the 9 quality standards as set out in the Children's Residential Homes Regulations 2015. The Registered Manager will constitute the 3rd member of the staff team and is an inherent part of the provision of children's care both from a hands on and a regulatory perspective. The Home Manager will be present on site **two days per week**, typically between **9:00am and 4:00pm**, providing hands-on leadership, staff support, and ensuring consistent standards of care.
- 5.14 As part of the Applicant's collaborative approach, the young person's **social worker may also visit the home fortnightly**, usually for **around one hour**, to receive a general update on the young person's progress and overall well-being.
- 5.15 The Applicant aims to establish a children's home where children can remain within their local communities, continue attending their current schools, and stay connected to their families and friends, ensuring they receive the stable and supportive environment they need to thrive.
- 5.16 The Applicant proposes a home specifically designed to cater to children with Emotional and Behavioural Disorders (EBD). This facility aims to provide a supportive environment where these children's unique needs can be addressed. In contrast to the negative portrayals often seen in the media, which highlight poor-quality care in some children's homes, the Applicant intends to create a warm, nurturing atmosphere that prioritizes the well-being of every child.
- 5.17 The Applicant believes these children deserve the same opportunities and care as any other child, in environments that foster stability, respect, and growth. The Applicant's approach will ensure that staff are dedicated and fully committed to placing the children at the heart of everything they do, offering not just care, but genuine support for their emotional and developmental needs. Ultimately, the goal is to provide a local home for local children, where they can remain within their community, surrounded by a caring, consistent team focused on their best interests.
- 5.18 The Applicant's staff bring over 30 years of experience in children's social care and are deeply passionate about making a positive impact on the lives of young people. They are highly motivated and driven by a strong sense of aspiration for each child, always striving to ensure that their individual needs are met with the utmost priority and dedication.
- 5.19 Opus Care Group takes the responsibility of operating children's homes extremely seriously and is committed to minimising the impact on local services whilst ensuring the safety and wellbeing of the young people in its care.
- 5.20 The Applicant has a clear and robust internal structure in place to manage and support its homes effectively. Each home is staffed by a dedicated team of care professionals, including Senior Support Workers and Managers who are available on-call 24 hours a day, 7 days a week. This ensures staff are consistently supported, issues are managed promptly, and any emerging concerns are dealt with internally wherever possible.
- 5.21 Opus Care Group works diligently to avoid any unnecessary disturbance to emergency services, including the police. The company recognises the importance of this not only in providing a stable and safe environment for the young people it supports but also in maintaining positive relationships within

the local community. The Applicant's internal policies, de-escalation training, and behaviour management strategies are all designed to reduce escalation and resolve challenges without external intervention.

DAY-TO-DAY OPERATIONS

- 5.22 No physical changes are required outside of the property. The objective and remit of the residential children's home is to mirror a traditional family home is a 'normal' neighbourhood and community. The goal of a children's home is to, from the outside, be indistinguishable from any other family home on the street.
- 5.23 The home has comfortably furnished large living room and dining room with TV for children and young people. There is a kitchen and dining room. The kitchen is domestic in style and is used for preparation of meals. Where appropriate, young people are encouraged to be involved in the preparation of meals and drinks.
- 5.24 The property has a secure garden with fencing to the perimeter. Children and young people are encouraged to make full use of the garden.
- 5.25 To ensure smooth operations at the property, a single car is available for staff use. Staff will coordinate and schedule trips to attend to any necessary errands, appointments, or other tasks requiring transportation. The car will be used efficiently to meet the needs of the care provision.
- 5.26 Additionally, regular visits from a manager will be conducted to ensure everything is running smoothly. These visits are part of Opus Care's commitment to maintaining high standards of care, safety, and operational procedures. The manager will check on the well-being of the individuals in care, review staff practices, and ensure everything aligns with the care plan and safety protocols. These visits are essential in maintaining a high-quality environment and ensuring consistent care standards.
- 5.27 Each shift at the care facility is 24 or 48 hours long. This ensures that each child receives the necessary care and supervision day and night. Since the shifts are long, each staff member will have their own bedroom to rest during off-hours. This arrangement allows staff to recharge, staying well-rested and alert for their caregiving responsibilities. Private bedrooms also maintain the privacy and comfort of both the staff and the child they care for, ensuring a balanced and supportive environment.
- 5.28 By providing each staff member with their own bedroom, Opus Care ensures that they can respond effectively to the child's needs and maintain high standards of care throughout the 24-hour shift.

THE NEED FOR THE PROPOSED USE

- 5.29 There is a substantial need for Children's Homes across the UK. According to a report by Ofsted, in January 2024, many children in the UK with complex needs wait for years to be placed in a suitable home. This is because local authorities are frequently struggling to find stable homes for these children. The report highlights that this is "more than 9 out of 10 local authorities". The report also found that some children are placed in unregistered homes or live alone in homes with high staff numbers, which can be isolating. Ofsted is calling for better planning to ensure homes are built in the right places and meet the needs of these children. Please see <https://www.gov.uk/government/news/children-with-complex-needs-can-wait-years-for-a-stable-home> for more information.
- 5.30 A further report by Ofsted, the government agency responsible for inspecting children's services in England, raises concerns about the current state of residential care for children. The report highlights a critical shortage of suitable placements, forcing some local authorities to utilise unregistered accommodation. This not only raises safety concerns but also disrupts children's lives by placing them far away from their families and communities. Please see <https://www.nyas.net/about-us/news/ofsted-data-shows-concern-for-children-living-in-residential-settings/> for more information.
- 5.31 These findings underscore the urgent need for an increase in suitable accommodation options within the residential care system. The proposed development directly addresses this gap by providing a safe, secure environment meet the specific needs of the residents.
- 5.32 These proposals, as a 1 bed children's home offer a small, person centred approach that is integrated into the local community and more in keeping with normal family home and family life which would be suitable for some children. Children are diverse in their needs, personalities and preferences. Therefore, there isn't "a one home fits all" with children's residential placements.

6. RELEVANT USE CLASS

- 6.1 Section 55(1) of Town and Country Planning Act 1990 (The Act) defines the meanings of the term “development” and which includes the making of any material change in the use of any buildings.
- 6.2 Section 57(1) of The Act provides that “planning permission is required for the carrying out of any development of land” which includes buildings.
- 6.3 Section 55(2) set out what shall not be taken to involve development and further states in (f) that “in the case of buildings ... which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or of any part of the buildings ... for any other purpose of the same class.”
- 6.4 Section 192 of The Act (as amended) makes provision for an application to be made to the local planning authority to ascertain whether any proposed use of a building is lawful.
- 6.5 It is suggested that the use of the property could be considered as either as falling within the use classes of C2, C3 or C4 as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Class C2. Residential institutions

Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Class C3: Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) by -

- (a) a single person or by people to be regarded as forming a single household;
- (b) not more than six residents living together as a single household where care is provided for residents; or
- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

Class C4: Houses in multiple occupation

Use of a dwellinghouse by not more than six residents as a “house in multiple occupation”.

- 6.6 Schedule 2, Part 3, Class L of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) confirms that the change of use “from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule” is permitted development.
- 6.7 The Government issued a circular (08/2010) in November 2010 entitled “Changes To Planning Regulations For Dwellinghouses And Houses In Multiple Occupation” which “... gives guidance on planning regulations, in particular on changes of use for dwelling houses and houses in multiple occupation following changes to legislation in April and October 2010. The general effect of these changes is to allow changes of use between dwellinghouses and houses in multiple occupation to take place without the need for an application for planning permission unless a local authority has specifically identified an area in which planning applications will be required.”
- 6.8 The Circular provided the following guidance which is useful in assessing which use class the relevant use falls:
 - 6.8.1 *“Changes of use within a class do not require an application for planning permission.”*
 - 6.8.2 *“...for the purposes of C3(b) and (c) single household is not defined in the legislation.”*
 - 6.8.3 *“... in broad terms, the new C4 class covers small shared houses or flats occupied by between 3 and 6 unrelated individuals who share basic amenities.”*

- 6.8.4 “... a change of use from a dwellinghouse (class C3) to a house in multiple occupation (Class C4) and from a house in multiple occupation to a dwellinghouse is possible under permitted development rights and planning applications are not needed.”
- 6.8.5 “C3(b) continues to make provision for supported housing schemes, such as those for people with disabilities or mental health problems.”
- 6.8.6 A “single household” under C3(a) can be formed by a variety of people including “...a carer and the person receiving care ..”
- 6.8.7 “It remains the case that in small residential care homes or nursing homes, staff and residents will probably not live as a single household and the use will therefore fall into the residential institutions class (Class C2), regardless of the size of the home. Local planning authorities should include any resident care staff in their calculation of the number of people accommodated.”
- 6.8.8 “Care homes and children’s homes” are excluded from the C4 use class
- 6.9 In addition, the Town and Country Planning (Use Classes) Order 1987 (as amended) defines “care” as “personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in-class C2 also includes the personal care of children and medical care and treatment”
- 6.10 It is suggested that the use is not that of C2A (Secure Residential Institutions) as there is no security preventing the residents from leaving.
- 6.11 It is further suggested that the proposed use is not that of C4 as, although the residents are unrelated by birth or marriage etc, there is an element of care and the individual bedrooms are not self-contained bed-sits.
- 6.12 It is therefore suggested that the occupiers within the property, therefore, meet the definition of “receiving care” as defined in Class C3(b) in that they will require “care”.
- 6.13 Where the use of a dwelling house is for “non-family” purposes the concept of a single household is key in order to establish a lawful use as Class C3(b), although as above, there is no statutory definition.
- 6.14 Whether the use of the dwellinghouse, particularly where 24-hour care is provided, falls within Class C2 or C3 requires careful consideration and has been the subject of various Lawful Development Certificates, planning appeals and case law, including:
- 6.14.1 North Devon District Council v First Secretary of State [2003] which confirmed that children could not on their own be considered to constitute a fully functioning household without a resident carer living full-time in the property.
In this case even though a change of use from C3 to C2 had occurred at the property it was not deemed to be a material change of use and that as such, planning permission was not required. The Judgement clarified that “if the children happen to be disabled or to suffer from mental disorder, then care for them will fall within class C3(b).”
- 6.14.2 R v Bromley London Borough Council ex parte Sinclair (1991) which stated that staff providing care do not necessarily have to be resident at the property in order to be still classed as forming part of the household
- 6.14.3 R (Hossack) v Kettering BC [2002] EWCA Civ 886 concerned what could be construed as a single household and concluded that “if there are no more than six residents living together in the same house, it seems to me altogether more likely that they are doing so as a single household”. In addition, it was stated, “the smaller the number of occupants, the more intimate, integrated and cohesive their occupancy would be likely to be and the more apt, therefore to describe it as a single household.”

6.14.4 Planning Appeals:

- Enfield 11/7/06 – 4 people with mental health problems with three staff on shift system sharing a kitchen, living room, dining room, toilet and bathroom
- Croydon 8/1/03 – 5 people with learning difficulties with staff on a shift system with staff and residents sharing facilities and taking meals together.
- Crewe & Nantwich 24/4/06
- DCS reference: 200-004-885 – Hearing in 2016 for mentally disabled residents living together under Class C3b. 5 bedroom house with locks on bedroom doors with day and night support workers. Purpose of carers to largely assist as opposed to undertaking day-to-day tasks
- APP/E2205/X/16/3161037 – LDC allowed for use of the house for 4 people and their carers (up-to 2)

6.14.5 Lawful Development Certificate Precedents:

- 2010/2137/S – Solihull – Proposed use of an existing house to a residential care home for up to 5 people
- APP/2015/0554 – Burnley - Proposed use as a residence by up to 4 young persons with care provided by two carers on a 24-hour non-residential basis
- F/YR15/1093/CERTLU – Fenland - Certificate of Lawful Use (Existing): Use of the dwelling under Class C3b (Care Home) for 3 residents and up to 4 staff on a rota basis
- 16/P/01281/CEU – Pontypool - Application for Certificate of Lawful Development to retain the existing C3b use offering supported living to a maximum of 5 residents.
- 18/0480 – Willenhall – LDC for 3 persons supervised by a carer.
- Wakefield Council – Ref: 17/02441/CPL – Four children and two staff in a six-bed detached property
- Burnley Council – Ref: APP/2015/0554 – Four children and two staff in a five-bed detached property.
- Kirklees Council – Ref: 2016/19/91341/W – Three children and three staff including fulltime manager in a four-bed detached property.
- East Riding of Yorkshire Council – Ref: 15/02533/CLP – One child and two staff
- Coventry Council – Ref: LDCP/2018/2934 - Four children and two staff providing 24-hour care.
- Trafford Council – 96180/CPL/18 - “The proposed use of 6 Harboro Grove, Sale, M33 5BA, as a children's residential home (Class C2) for up to 5no.persons between the ages of 10-18 years with a maximum of 2no. additional staff members staying overnight on a rota basis ... would not represent a material change of use and is therefore Lawful Development”.
- Trafford Council – 111821/CPL/23 - Application for Certificate of Proposed Lawful Development for change of use of existing dwellinghouse to Children's Care Home for up to 2 no. children

6.15 It is suggested that these examples lead to the conclusion that the use of the property as described above would fall under the definition of a single-household in that:

6.15.1 Staff, working on a shift basis, would not be resident at the property and therefore not be classed as forming part of the household or included when calculating the number of residents.

6.15.2 The number of people in the property would mean that the likelihood is that they would be living as a single household

6.15.3 Other than a bedroom, the carer or occupiers have no separate facilities with all facilities (kitchen and bathrooms etc) shared.

6.15.4 Use Class C3(b) places no limit on the number of non-residents or level or intensity of care received by the residents.

6.15.5 Use Class C2 specifically makes reference that such a use could fall under Use Class C3

- 6.16 Within the North Devon case above, the judgement it is clear that should the children have a mental disorder, then the use would fall under Use Class C3(b). As stated above, the children would have a variety of needs learning difficulties, autism, and emotional and behavioural disorders. As such it is suggested that these would all fall under the definition of mental disorder and as such the use of the property would fall under Use Class C3(b).
- 6.17 Since the North Devon case above, the Use Classes Order has been amended (on the 6th of April 2010) which inserted the wording “(whether or not as a sole or main residence)”. As such it is suggested that the property does not need to be the carers sole or main residence to be considered as living in the property, in which case a single household can be formed for and by the Children.

7. MATERIAL CHANGE OF USE ASSESSMENT

- 7.1 The following link to a recent Ministerial Statement relating to Children's home confirms that "The planning system should not be a barrier to providing homes" and "Planning permission will not be required in all cases of development of children's homes". The full statement can be found at <https://questions-statements.parliament.uk/written-statements/detail/2023-05-23/hcws795>
- 7.2 Notwithstanding the above, if the Council were to consider the proposed use falls under Use Class C2, it is suggested that a change of use from C3 doesn't amount to a "material" change of use as there is no material difference in the activity to that which may be anticipated in the case of a conventional residential use or the existing lawful use as under C3b.
- 7.3 The premises retain the overall appearance and character of a conventional residential dwelling, with no alterations required to facilitate the use, and it is further suggested that there will not be a change in the character of the use or that the use would not give rise to any greater level of disturbance or amenity effects that could be generated by the C3 use.
- 7.4 Circular 13/87 provides further information and clarification in relation to Class C3: Dwellinghouses particularly in relation to the concept of a single household and care. The Circular states: "development is not involved when a dwelling house becomes used as a small community care home, provided that all the residents live together as a single household and that they number no more than six including resident staff" Furthermore, it states that "it serves no-one's interest to require planning permission for types of development that generally do not damage amenity."
- 7.5 Specifically in the North Devon case, it is worth highlighting that the Lawful Development Certificate was granted in any case, on the basis that there was no material change of use.
- 7.6 Furthermore, the case considered that if the children were disabled or had mental health issues for example then the use would fall under C3(b) in any case.
- 7.7 Since the decision of the North Devon case, it is suggested that the situation has fundamentally changed. Circular 11/87 has been officially withdrawn. The Use Classes Order 1987 has also been amended.
- 7.8 As noted in the North Devon judgment, whether or not a change of use is material is a matter of fact and degree depending on the individual circumstances of a particular case:
- "... the question for determination in the context of this appeal is whether the character of the use of this dwelling-house as a private residence has been changed so substantially as to amount to a material change of use. It is a question of fact and degree."*
- 7.9 There may be a number of factors relevant to the question of whether or not a change of use is properly described as "material". The Courts have consistently confirmed that such factors are not necessarily confined simply to the effects of a change on environmental or amenity interests. In the case of *Richmond upon Thames LBC v Secretary of State for the Environment Transport and the Regions*, the judgment confirmed the general principle that:
- "The extent to which a particular use fulfils a legitimate or recognised planning purpose is relevant in deciding whether a change from that use is a material change of use."*
- 7.10 The nature of the use will not result in a material increase or change in vehicle or pedestrian movements to and from the site, or in the number of people coming and going especially when compared to potential maximum potential for the existing use, including under Use Class C3b. The existing use could accommodate several adults, such as two parents and over 17-year-old children who all have their own cars and travel independently to work, school, for hobbies, social visits, and to receive visitors. As such there will be no material impact on highway safety or congestion.
- 7.11 Furthermore, the property will not physically change externally and to neighbours or the casual passer-by, there would be no impact on visual amenity.

- 7.12 The proposed use is simply to house children in a traditional family home setting, who unfortunately through no fault of their own, require somewhere to live. As such the proposed use will have no material impact on residential amenity (for example in terms of noise and disturbance) compared with the lawful use of the property.
- 7.13 The use of the property as a Children's Home will also not have a material effect on the level of supply of family housing in a local area, especially as the property currently does not function as a family home.
- 7.14 The proposed use will have no material impact on the operation of nearby services and facilities and the proposed use does not require any specialist servicing or services.
- 7.15 Within Class C3(b) use, there is no mention of the level of care provided or any increase in service intensity. Therefore, it is suggested there is no basis for limiting the level of care that can be given and as such there is no support to the contention that any intensification of use would lead to a material change of use. It is suggested that there is no "normal" level of care to be considered against. This is corroborated in the Barking Appeal (APP/Z5060/C/18/3214506) which states:
- "I note that the Council's reasons for issue of the notice include harm to the living conditions of neighbours with particular regard to noise and disturbance. Whilst the planning merits of the development are not relevant to this appeal I note that it is inherent within the terms of the Use Classes Order that vulnerable groups may fall within Class C3(b) and therefore this is not an argument that suggests the residents are not living together as a single household."*
- 7.16 The proposal represents around 17% of the maximum allowance under Use Class C3(b).
- 7.17 Furthermore, should the property be used for adults and not children, up to 6 residents could be accommodated within any level of care and support without it being a material change of use. As above, this would also be the case for children with disabilities or mental health issues. Since the property in that scenario, would be expected to have carers visiting on a regular basis, including full-time carers, the presence of additional parking is not uncommon or particularly significant. It is therefore suggested that in comparing whether there is a material change of use in this particular scenario the consideration should be given not only to the use as dwellinghouse in the narrow sense (as in one family unit) that that for up to six residents living together as a single household and receiving care.

8. CONCLUSION

- 8.1 The proposed development seeks to establish that the use of 11 Jedburgh Drive, Liverpool L33 1EQ as a 1 child children's home would be lawful.
- 8.2 It is suggested that the use of the property for 1 child, with the resident receiving care would be lawful as follows:
 - 8.2.1 The lawful use of the property is, or could revert to, without the need for planning permission, Use Class C3: Dwellinghouses
 - 8.2.2 The dwelling house would retain its original layout and comprises "a single, self-contained unit of occupation which can be regarded as being a separate 'planning unit' designed for residential purposes-containing the normal facilities for cooking, eating and sleeping associated with use as a dwellinghouse".
 - 8.2.3 The resident will live with staff as a single household, generally forming friendship bonds, share facilities and have communal living arrangements.
 - 8.2.4 The residents receive "care" as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) and as Class C3(b) makes provision for supported housing schemes, such as those for people with mental health problems."
 - 8.2.5 The level of activity, comings and goings and overall function of the building would be no different than associated with many dwelling houses.
 - 8.2.6 There would be no change in the character of the use.
 - 8.2.7 The purpose of the carers is largely to assist the residents with day-to-day tasks as opposed to undertaking those tasks themselves on behalf of the residents.
 - 8.2.8 Even if a change of use from C3 to C2 is deemed to occur at the property it is not a material change of use and that as such, planning permission is not required.
- 8.3 In conclusion it is suggested that either the proposed use falls under Use Class C3(b) or that if the proposed use is determined to fall under Use Class C2, there is no material change of use that would require planning permission.
- 8.4 Based on the information above, it is considered that no "development" will occur, and a Certificate of Lawfulness of Proposed Use of Development should be issued accordingly.