

<u>APPLICATION NO:</u>	23/02724/CLD	<u>CASE OFFICER:</u>	Lee Osborne
<u>WARD:</u>	Stockbridge	<u>PARISH:</u>	Knowsley Parish Council
<u>LOCATION:</u>	14 Brandearth Hey, Stockbridge Village, Knowsley		
<u>PROPOSAL:</u>	CERTIFICATE OF LAWFULNESS FOR PROPOSED CHANGE OF USE FROM 2NO. BEDROOM RESIDENTIAL DWELLING TO 3NO. BEDROOM RESIDENTIAL CARE HOME FOR CHILDREN		

Site Description

The application relates to a terraced house on Brandearth Hey and associated garden space. The locality is residential in nature and characterised by terraced housing.

Proposal

The application is a lawful development certificate for the proposed use of a house as a children's home for a maximum of 2 children.

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

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

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.

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 in 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))'.

In relation to the proposed use, the property would be registered to house 2 children with emotional/behavioural/learning difficulties aged between 7 and 17 years old. The admissions process for the children would consist of a series of assessments to ensure the suitability of the dwelling and compatibility as a cohabiting

space between the young persons. The children would have their own bedrooms on the first floor.

There would be two care staff shifts at 7am - 7:15pm and 7pm through to 7:15am. The care staff would work on a rotational basis. There would be a 15 minute handover at the beginning of each shift. These shifts would comprise one children's care support worker for each shift. There would also be a Registered Manager at the property between 9am and 6pm Monday through to Friday. Their duties at the premises would comprise 10 hours dealing with administrative tasks and 10 hours dedicated to provision of care, totalling 20hrs at the dwelling. The remaining 20 hours of their working week would be worked away from the dwelling, at other care premises. The Registered Manager would be on call should there be staff absence. So between 9am and 6pm Monday to Friday there would be 2 staff at the property with 1 staff member at the other times, other than the 15 minute shift handover when there would also be 2 staff. The night carer would have a downstairs room for sleeping. Should extra support be required during the night shift or weekend, there would be an on-call facility to call out a further member of staff.

Some additional visitations by professionals would occur on an ad hoc basis.

Consultations

NA

Representations

NA

Relevant Policy

The application must be assessed on the basis of the Town and Country Planning (Use Classes) Order 1995, together with amendments and policy considerations are not applicable.

Assessment

Material Change of Use

The government's Planning Practice Guidance states that whether a material change of use has taken place is a matter of fact and degree and based on the individual merits of the 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.... Paragraph: 011 Reference ID: 13-011-20140306"

In relation to whether the application constitutes a material change of use, there would be 2 care staff shift changes a day; between 7am and 7.15am, and between 7pm and 7.15pm. At these times there would be 2 care staff on site with 1 care worker other times at the site. At times, between 9am and 6pm there would be two

staff on site as the Registered Manager would attend the premises for half their working week within this timeframe. Of that 20 hours, 10 hours would be administrative duties and 10 hours would be child care duties, with the other 20 hours of their week away from the premises elsewhere. One person may be called out at night or weekends if needs arise. As such it is considered that the movements and staff associated with this proposal and the number of children to reside at the property would not be materially greater than a family household. 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. Accordingly, it is considered that the use as proposed would not constitute a material change of use of the property.

Recommendation

The proposal, based on the information submitted including the revised shifts and managerial duties outlined in the email received 29 January 2024, constitutes a lawful development for which planning permission is not required.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
16.10.2023	101		LOCATION PLAN
16.10.2023	201		EXISTING FLOOR PLANS
16.10.2023	301		PROPOSED GROUND FLOOR PLAN
16.10.2023	302		PROPOSED FIRST FLOOR PLAN
21.11.2023			MANAGEMENT PLAN
29.01.2024			EMAIL FROM OPERATOR REVISING STAFFING NUMBERS, SHIFTS / HOURS, AND DUTIES

Signed Case Officer¹: **Lee Osborne**

Signed Authorising Officer²: **K Foster**

Date: **31 January 2024**

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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