

Knowsley Council
Regeneration and Economic Development Directorate.
Delegated Planning Report

APPLICATION NO: 25/00290/CLD **CASE OFFICER:** Andrew Hunt

WARD: Shevington **PARISH:** N/A

LOCATION: 23 Yoxall Drive, Tower Hill, Kirkby, Knowsley, L33 4HS

PROPOSAL: CERTIFICATE OF LAWFULNESS FOR RESIDENTIAL DWELLING
(USE CLASS C3) TO A FAMILY ASSESSMENT CENTRE (USE
CLASS C2) FOR A MAXIMUM OF ONE FAMILY (1 FAMILY
EQUATES TO 1 PARENT AND CHILD).

Site Description

The application site is a detached dwelling set in a residential area on Yoxhall Drive, Tower Hill, Kirkby which is just off Saxon Way. The site is surrounded by other dwellings to the north, south east and west. The building has a rear conservatory and solar panels on the rear roof.

Proposal

The proposal is for a lawful development certificate for the proposed use of residential dwelling for use as a family assessment centre (Use Class C2) for a maximum of one family (1 family equates to 1 parent and child).

- There would be a maximum of 1 family consisting of 1 parent and 1 child each.
- There will be two staff members on site at all times, plus a manager during 9-5 weekdays.
- The shift changes would occur at 8am and 8pm daily.
- There would be the following monthly visits in relation to, social workers, Ofsted and regulation 25.
- The families would consist of pregnant mothers and mothers with new born infants.
- The infants would mostly be up to 12 weeks old, but may in some cases be up to 2 years old.

Consultations

N/A

Representations

N/A

Planning History

03/00652/FUL - ERECTION OF CONSERVATORY TO REAR OF DWELLING –
20.08.2003

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

a) 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))'.

Assessment

It is considered that as the staff do not live permanently at the dwelling (but instead operate on a rota system) that the use falls outside class C3. In addition, the presence of a manger at the building is also incompatible with a C3 use. Overall, the use is considered to be within the C2 Use class and the proposal would constitute a change of use.

b) Material change of use.

Guidance

In relation to the 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

Effect of Change of Use

There would be up to 3 staff at any one time during the 9-5 weekday (including a manager) and up to 1 parent and 1 child.

In relation to whether the change of use would be material, the presence of just family (1 parent and 1 infant) 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. The presence of 2 carers and 1 mother and 1 child permanently at the premises would result in no more persons than that of a typical family.

The proposal would be comparable in its effects to a children's care home where there was one child, 2 carers and a manager (which has been accepted to not be a material change of use). The only change would be a change from a child up to 17 years old to a mother and infant. As the infant would be less than 2 years old, they would not be an independent person who could arrive and leave by themselves, they would arrive and depart from the property with their parent and be looked after by them at all times. The presence of the mother and infant would result in movements into and out of the building more in line with 1 independent person rather than 2 persons.

The impact would not be materially greater than a typical family use. 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.

It would be materially different to a site where there were two families at the site and a manager and carers.

Therefore, it is considered that change of use would take place, but that this change is not material.

Conclusion

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

Signed Case Officer¹:

Andrew Hunt

**Signed Authorising
Officer²:**

Jo Sheridan

Date:

16/06/2025

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

Informatives

N/A