

NINE POINTS PROPERTY LTD

ST. AIDAN'S ROMAN CATHOLIC CHURCH, ADSWOOD ROAD, HUYTON

APPLICATION FOR CERTIFICATE OF LAWFULNESS OF PROPOSED USE FOR USE AS A DAY SCHOOL (CLASS F1)

Introduction

This Planning Statement has been prepared by Alder King Planning Consultants on behalf of Nine Points Property Ltd in connection with an application seeking a lawful development certificate for the proposed use of St. Aidan's Roman Catholic Church, Adswood Road, Huyton as a day school (Class F1) for primary and/or secondary age pupils.

Application Site

St. Aidan's Roman Catholic Church is located on the south east side of Adswood Road, Huyton. It consists of a large, detached building which is set back from the road frontage and surrounded by both hardstanding and grassed areas.

Vehicular and pedestrian access to the site is from Adswood Road. There are residential properties located to the rear and across Adswood Road to the front. St. Aidan Catholic Primary School adjoins the site to the south west.

The church was built in 1992 and is a simple functional building in facing brick with a shallow pitched roof. The Taking Stock: Catholic Churches of England and Wales entry is contained at **Appendix One**.

Application Proposal

The application seeks a certificate of lawfulness of proposed use of the site as a day school (Class F1). It is intended that the site will be used to deliver day education provision to children in the age range 4-18 years (i.e. primary and/or secondary ages).

No internal or external works are being proposed. Rather, just the reuse of the existing building and land for day education purposes.

Article 39 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out what information is required to accompany an application for a lawful development certificate. It confirms that all that is required is for a valid application is:

- a location plan;
- evidence to support the application; and,
- confirmation of the applicant's interest in the land.

These have all been provided with the application.

As per this legislation, no floor plans are required to be submitted as the application solely seeks confirmation that the proposed use of the application site, without any physical alteration, as a day school (Class F1) is lawful. The application is not, and does not need to be, based on any specific internal layout of the buildings.

Existing Lawful Use

The Council's planning records (as well as the Taking Stock entry at **Appendix One**) confirm that the application site was originally built and then used as a place of worship. No planning permission has subsequently been granted for any alternative use of the site.

The Town and Country Planning (Use Classes) Order 1987 was amended in September 2020. Until then places of worship fell within Use Class D1. However, since 1 September 2020 places of worship fall within the new Class F1 (Learning and Non-Residential Institutions).

Therefore, the existing lawful use of the application site is for any purpose (whether a place of worship or not) which falls within Use Class F1.

Planning Assessment

Given the background described above, it is clear that the site has an existing lawful planning use for any purpose falling within Class F1 of The Town and Country Planning (Use Classes) Order (1987) (as amended).

The site has only ever been used as a place of worship (a Class F1 use) since the building was first constructed in 1992. No planning permission has been granted for any other use of the site. Furthermore, there is no planning restriction on how the site can be used within the relevant use class.

The Town and Country Planning Act 1990 states that planning permission is only needed if the work being carried out meets the statutory definition of '*development*', as set out in Section 55 of the Act. '*Development*' includes a material change of use of land and buildings.

However, Section 55(2) of the Act goes on to describe the categories of work that do not constitute '*development*'. These include a change in the primary use of land and/or buildings where the before and after use both fall within the same use class.

So, in short, planning permission is not required to move between two uses where they both fall within the same use class, as long as it does not involve any breach of a planning condition.

In this case, the proposed use of the site as a day school for primary and/or secondary age children would fall within the same use class – i.e. Class F1 – as a place of worship and, therefore, would not constitute '*development*', so does not require planning permission.

This is further confirmed by several lawful development certificates issued to the current applicant for identical proposals, as follows:

- **St. David's Roman Catholic Church, Newton-le-Willows (Ref: P/2025/0468/CLP)** – LDC issued by St. Helen's Council in August 2025 confirming the use of the place of worship as a day school did not require planning permission. (see [Appendix Two](#))
- **West Wickham Methodist Church (Ref: 25/01718/PLUD)** – LDC issued by The London Borough of Bromley in September 2025 confirming the use of the place of worship as a day school did not require planning permission. (see [Appendix Three](#))
- **Salem Methodist Church, Halifax (Ref: 24/00147/192)** – LDC issued by Calderdale Metropolitan Council in February 2024 confirming the use of the place of worship as a day school did not require planning permission. (see [Appendix Four](#))
- **Hartpury Methodist Chapel (Ref: P1351/23/LD2)** – LDC issued by Forest of Dean District Council in December 2023 confirming the use of the place of worship as a day school did not require planning permission. (see [Appendix Five](#))

These decisions all confirm that use of a place of worship as a day school does not require planning permission.

Summary & Conclusion

This statement has been prepared in connection with an application seeking a lawful development certificate for the proposed use of St. Aidan's Church, Huyton as a day school (Class F1) for primary and/or secondary age pupils. No internal or external works are being proposed. Rather, just the reuse of the existing building and land for day education purposes.

The application is not one that allows for a judgment on the planning merits. Rather, it is solely a legal determination as to whether '*on the balance of probability*' planning permission is required for the proposed use based on relevant legislative provisions.

This site has only ever been used as a place of worship since the building was constructed in 1992. This is confirmed by the Council's planning records. Therefore, the site has a lawful use for purposes falling within Class F1.

The proposed use of the site as a day school for primary and/or secondary age children would fall within the same use class and, therefore, would not constitute '*development*', so does not require planning permission.

Accordingly, a lawful development certificate for the proposed use of the application site as a day school (Class F1) should be issued.

Planning Statement



Appendix One:

Taking Stock: Catholic Churches of England and Wales entry

St. Aidan's RC Church, Adswood Road, Huyton

TAKING STOCK

CATHOLIC CHURCHES OF ENGLAND & WALES



Building » Huyton – St Aidan

Huyton – St Aidan

Adswood Road, Huyton, Liverpool 3 6

LIVERPOOL

HERITAGE DETAILS

Architect: Pozzoni Design Group

Original Date: 1992

Conservation Area: No

Listed Grade: Not Listed



A 1990s church of utilitarian character.

The parish was established in 1948 but the present church was not built until 1992, from designs by the Pozzoni Design Group. It is a simple functional building faced with buff and red brick under a shallow pitched roof. The interior has not been inspected.

Planning Statement



Appendix Two:

Certificate of Lawfulness: P/2025/0468/CLP

St. David's Church, Newton-le-Willows



St. Helens Council

Alder King Planning Consultants
Pembroke House
15 Pembroke Road
Bristol
BS8 3BA

Town Planning
Town Hall
Victoria Square
St. Helens
Merseyside
WA10 1HP

TOWN AND COUNTRY PLANNING ACT 1990

Notice of Decision on Certificate of Lawfulness: Proposed Application **P/2025/0468/CLP**

Proposal: Certificate of lawfulness for proposed change of use from public worship/religious instruction (Class F1(f) use) to provision of education (Class F1(a) use) for primary and/or secondary age pupils.

Location: St Davids Rc Church, Park Road South

DECISION: Based upon the evidence submitted with the application and having regard to all material facts, St. Helens Council hereby give notice that on the date the application was made, the development was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 for the following reason(s):

Under the terms of the Town and Country Planning (General Permitted Development Order) (England) 2015 the proposed development as defined on the submitted application is considered permitted development.

For the avoidance of doubt the development shall be carried out in accordance with the submitted drawings:

Plan reference: 10105.100 Rev. P1 (Block and Location Plan); received by the Local Planning Authority on: 11.08.2025.

Signed:

D Parsonage

Dated:

29.08.25

On behalf of St. Helens Council

NOTES

1. This Certificate is solely for the purpose of Section 191 of the Town and Country Planning Act 1990.
2. It certifies that on the date the application was made, the use or development described, specified as taking place on the land described, was lawful, and thus was not liable to enforcement action under Section 172 of the Act.
3. This Certificate applies only to the extent of the use or development as described and on the land specified and identified on the attached plan. Any use or development which is materially different to that described, or relates to other land, may not be lawful, and, may render the owner or occupier liable to enforcement action.
4. If you require any further assistance or clarification please contact:

Development Control Manager	Joe Nanson	joenanson@sthelens.gov.uk	01744 676122
Case Officer	Mr Alex Ball	alexball@sthelens.gov.uk	01744676113

Planning Statement



Appendix Three:

Certificate of Lawfulness: 25/01718/PLUD

West Wickham Methodist Church



Planning Department
Housing, Planning and Regeneration
Bromley Civic Centre, Churchill Court
2 Westmoreland Road, Bromley, BR1 1AS
Telephone: 0208 313 4956
Email: planning@bromley.gov.uk
Internet: www.bromley.gov.uk

Alder King Planning Consultants
Pembroke House
15 Pembroke Road
Bristol
BS8 3BA

Application No: 25/01718/PLUD

Date: 11 September 2025

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015**

**APPLICATION FOR LAWFUL DEVELOPMENT CERTIFICATE FOR AN PROPOSED USE OR
DEVELOPMENT – NOTIFICATION OF DECISION**

Take Notice that the Council of the London Borough of Bromley, in exercise of its powers as local planning authority under the above Act, certify that on 08 May 2025 the **PROPOSED USE/DEVELOPMENT IS LAWFUL** described in the First Schedule hereto in respect of the land specified in the Second Schedule here to and edged red on the plan attached to this certificate for the development-within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended) for the following reasons:

For the following reasons:

1. The proposed use as a day school (Class F1(a)), falls within Use Class F1 of The Town and Country Planning (Use Classes) Order 1987 (as amended) and would not be taken to be development of the land under Section 55(2)(f) of the Town and Country Planning Act 1990 (as amended). The proposed use is therefore lawful.

First Schedule: Use as a day school for pupils aged 5-18 years, operating during normal school hours and term times. **LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED)**

Second Schedule: West Wickham Methodist Church And Church Hall, Hawes Lane, West Wickham, BR4 9AA

Signed:

Assistant Director (Planning)

On behalf of the London Borough of Bromley Council

Planning Statement



Appendix Four:

Certificate of Lawfulness: 24/00147/192

Salem Methodist Church, Halifax

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Town and Country Planning Act 1990 : Section 192
(as amended by section 10 of the Planning and Compensation Act 1991)

Town and Country Planning (Development Management Procedure) (England) Order 2015:
Article 39

THIS CERTIFICATE OF LAWFUL USE DOES NOT RELATE TO ANY REQUIREMENT
UNDER THE BUILDING REGULATIONS

(Please see notes at end of this letter)

To
Nine Points Property Ltd
c/o Alder King Planning Consultants
Pembroke House
15 Pembroke Road
Bristol
BS8 3BA

This Council hereby certifies that on 29.02.2024 the use described in the First Schedule hereunder

Certificate of Lawfulness (Proposed) for a change of use from Place of Worship (Use Class F.1 (f)) to Day School (Use Class F.1 (a))

in respect of the land specified in the Second Schedule hereunder

**Salem Methodist Church
Richmond Street
Halifax
Calderdale**

Plan Type	Reference	Version	Date Received
Location Plan	99294/Location Plan		15.02.2024

and edged red on the location plan listed above, would be lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s)

1. The proposal is not considered to amount to a material change of use as defined in the definition of development under section 55 of the Town and Country Planning Act (1990). For this reason, planning permission is not required.

CALDERDALE METROPOLITAN BOROUGH COUNCIL

Application No:

24/00147/192

WARD: 10

DATED: 29 February 2024



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For and on behalf of
Director of Regeneration and Strategy

Planning Statement



Appendix Five:

Certificate of Lawfulness: P1351/23/LD2

Hartpury Methodist Chapel

To: Nine Points Property Ltd
C/o Alder King Planning Consultants
Pembroke House
15 Pembroke Road
Bristol
BS8 3BA

PLANNING REFERENCE NUMBER AND
DATE OF APPLICATION
P1351/23/LD2
10/10/2023

Certificate of Lawfulness of Proposed Use or Development

ISSUED

The Forest of Dean District Council hereby certify that on the 10.10.2023, the operations described in the first schedule hereto and the second schedule hereto and edged in red on the plan attached to this certificate, would be lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

It is judged that the proposal involves works which do not require the benefit of planning permission.

FIRST SCHEDULE:-

The use of the site for day education purposes (Class F1).

SECOND SCHEDULE:-

Hartpur Methodist Chapel Over Old Road Hartpur
Hartpur Parish

Dated: 1st December 2023

IMPORTANT – SEE NOTES OVERLEAF

This decision relates to the following plans:

Drawing(s) Title	No.(s)	Received on:
Location Plan	Unnumbered	10 October 2023

NOTE

1. In accordance with the requirements of the National Planning Policy Framework, the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, made available detailed published guidance to assist the applicant and published to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding. In addition, additional information was sought to better understand the proposed education use.

C. A. Reynolds
Development Manager