

<u>APPLICATION NO:</u>	26/00125/FUL	<u>CASE OFFICER:</u>	Louise Robinson
<u>WARD:</u>	Whitefield	<u>PARISH:</u>	N/A
<u>LOCATION:</u>	28 Mollington Road, Westvale, Kirkby, Knowsley, L32 0XA		
<u>PROPOSAL:</u>	CERTIFICATE OF LAWFULNESS FOR A CHANGE OF USE RESIDENTIAL DWELLING (USE CLASS C3) TO CHILDRENS CARE HOME (USE CLASS C2) FOR A MAXIMUM OF 1NO. CHILD		

Site Description

The application site comprises a two-storey, two-bed semi-detached dwelling located on Mollington Road, Westvale. The dwelling is characterised by brick to all elevations and a gable tiled roof. The property has a small porch to the front, off-street parking available to the side and a good-sized private amenity space to the rear.

The surrounding area is characterised by two-storey semi-detached and terraced dwellings to the north, east, south and west of the site.

The application site is identified as a Primarily Residential Area in the Knowsley Local Plan: Core Strategy.

Proposal

Application for a Certificate of Proposed Lawful Development to use a Residential Dwellinghouse (Use Class C3) as a Children's Care Home (Use Class C2) for a maximum of 1no. Child.

- There would be a maximum of 1no. child between the ages of 4 – 18.
- The home could cater for a child with emotional or behavioural difficulties, learning disabilities, mental disorders excluding a learning disability and/ or a sensory impairment.
- There would be 2 carers during the day and night, with one waking night staff member and one sleep-in staff member.
- Staff would work on a shift-based rota, with shifts typically operating on a 24-hour care model.
- A typical shift pattern would include:
 - Day Shift: approximately 08:00am – 10:00pm.
 - Night Shift: approximately 10:00pm – 08:00pm.
- Changeover would take place during the morning and evening, with up to 4 staff members being present for only a limited time.
- A registered manager would visit the property on an ad-hoc basis between 9am – 5pm Monday to Friday and would not work out of the property full time.
- Other visitors to the site would be limited and would be arranged in advance, such as social services and Ofsted.
- No physical changes are proposed to the external appearance of the property.
- Off-street parking is available to the side of the property.

Consultations

Children's Services – Empathy First has liaised with Children's Services.

Representations

None required.

Planning History

No relevant planning history.

Relevant Policy

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

Assessment

The proposal is for a Certificate of Proposed Lawfulness to use a residential dwelling as a residential care home for 1no. child.

The home would have 1no. child living at the property with a 24-hour support system network, with 2 staff onsite at any one time, and a manager undertaking site visits between 9am – 5pm Monday to Friday. Carers shifts would be on a rota basis, with shift handovers taking place during the morning and evening.

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.

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 dwellinghouse 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))'.

Proposed Use

Guidance

In relation to whether the application would constitute a material change of use, the government's Planning Practice Guidance states that whether a material change of use is 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 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"

Assessment

Change of Use

In relation to the proposed use of the property, there would be a maximum of 1no. child living at the premises. The set up of the home would involve 1no. child living at the home with a 24-hour support network, via 2 care staff at any one time and a manager visiting during 9am – 5pm Monday to Friday. The staff would work on a shift pattern of a day shift of 8am – 10pm and a night shift of 10pm – 8am.

As the carers would live at the premises and there would be 2 staff at the premises, the use falls under Use 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 1no. 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 chances of there being a material change but is not a decisive factor by itself. The presence of 2 adults and 1 child permanently 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 from 9am – 5pm Monday to Friday. 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.

The staff change over times of 8am and 10pm are considered to be acceptable, as the morning change over time would align with the standard time that many residents of the surrounding dwellings would travel to work or complete a school run and the

evening change over time would help to align with the proposed 'waking night' role. Whilst 10pm is considered to be later in comparison to standard 'coming and going' hours, it would not be materially different to a resident of a C3 dwellinghouse travelling to work for a night shift. Therefore, the 10pm changeover time alone would not tip the balance as to whether the proposed use is lawful or not.

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 Children's Care Home is considered to be acceptable, and a certificate of proposed lawfulness should be **granted**.

Signed Case Officer¹: **Louise Robinson**

Signed Authorising Officer²: **Jo Sheridan**

Date: **22/05/2026**

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

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

