

<u>APPLICATION NO:</u>	25/00493/CLD	<u>CASE OFFICER:</u>	Louise Robinson
<u>WARD:</u>	St Michaels	<u>PARISH:</u>	N/A
<u>LOCATION:</u>	10 Mossbrow Road, Huyton, Knowsley, L36 7SZ		
<u>PROPOSAL:</u>	CERTIFICATE OF LAWFULNESS FOR RESIDENTIAL DWELLING (USE CLASS C3) TO CHILDRENS CARE HOME (USE CLASS C2) FOR A MAXIMUM OF 1NO. CHILD		

Site Description

Two-storey end-of-terrace dwelling located on a corner plot of Mossbrow Road, Huyton. The dwelling is characterised by white-painted brick to all elevations, a gable tiled roof and white UPVC windows. The property has a large garden to the side of the property and a small private amenity space to the rear. There is no off-street parking available.

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 aged 8 – 18.
- There would be a small pool of 6 staff assigned to the dwelling, operating on a shift basis and would be supported by 1 manager.
- There would usually be no more than 2 carers present during the daytime and no more than 2 carers present overnight.
- The shifts would be 12 hours with 2 day shift carers starting between 7.30am – 8.00am and 2 night shift carers starting between 7.30pm – 8.00pm, with the carers working on a rota basis (2 days on, 2 days off).
- 1 carer would sleep overnight, and 1 carer would remain awake during the night (known as 'waking night') to provide support to children during the night.
- A manager would visit the property 9am – 5pm weekdays.
- Changeover would take place between 7.30am – 8.00am and 7.30pm – 8.00pm, with 4 staff members being present for only a limited time.
- A member of social services and Ofsted would visit the site twice a year.
- No physical changes are proposed to the external appearance of the property.
- No off-street parking is available.

Consultations

None required.

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 on site at any one time, and a manager undertaking site visits daily between 9am – 5pm weekdays. Carers shifts would be on a rota basis of 2 days on, 2 days off. The shift handover(s) would take place between 7.30-8.00am and 7.30-8.00pm.

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 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 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 on site at any one time and a manager visiting daily 9am – 5pm weekdays. The staff would work on a 2 days on, 2 days off shift pattern.

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 daily between the hours of 9am – 5pm. 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 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 up to 3 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 be present 9am – 5pm weekdays. 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 the site where there are 2 – 3no. children at the site, a manager and carers.

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:** Mark Quinn

Date: 10.10.2025

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

Site Photographs

