

<u>APPLICATION NO:</u>	25/00369/CLD	<u>CASE OFFICER:</u>	Louise Robinson
<u>WARD:</u>	Northwood	<u>PARISH:</u>	N/A
<u>LOCATION:</u>	7 Crosland Road, Southdene, Kirkby, Knowsley, L32 8TR		
<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 double-fronted semi-detached dwelling located on a corner plot of Crosland Road. The dwelling is characterised by pebbledash render to all elevations, a gable-tiled roof and white UPVC windows. It benefits from an extension to the side and rear and has off-road parking available for a minimum of 2no. vehicles. At the front and side of the property is a paved garden and to the rear is a typical residential private amenity space.

The immediate surrounding area predominantly features residential properties of a mix of semi-detached and terraced dwellings.

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 Dwelling (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 10-17.
- The home would be designed to cater to children with Emotional and Behavioural Disorders (EBD).
- There would be a small pool of 3 staff assigned to the dwelling, operating on a shift basis and would be supported by 1 manager.
- The home would operate a 1:1 staffing model designed to ensure high quality consistent care.
- There would be no more than 1 carer present, with a manager constituting as the 2nd member of staff.
- The shift pattern would be 10am start on day one to 10am on day three, with the carers shifts working on a rota basis (2 days on, 4 days off).
- Each shift would be either 24 hours or 48 hours long.
- A registered manager would visit the property 2 days per week Monday – Friday between 9am – 4pm.
- Changeover would take place at 10am, with 2 staff members being present for only a limited time.
- The young persons social worker may also visit the home every 2 weeks for around 1 hour.
- No physical changes are proposed to the external appearance of the property.
- Off-road parking is available to the front of the property.

Consultations

None required.

Representations

None required.

Planning History

Building Control Application

97/00285/FP Dining Room Extension
Pass (10.06.1997)

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 or 48-hour support system network, with 1 staff member on site at any one time, and a manager undertaking site visits 2 days per week between 9am – 4pm Monday to Friday. Carers shifts would be on a rota basis of 2 days on, 4 days off. The shift handover would take place at 10am.

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 the 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

Regarding 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 1 member of care staff on site at any one time and a manager visiting 2 days per week during 9am – 4pm Monday to Friday. The staff would work on 2 days on, 4 days off shift pattern.

As the carers would live at the premises and there would be 1 staff member at the premises, the use falls under Use Class C2. A manager would supervise the property 2 days a week 9am – 4pm 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 it is not a decisive factor by itself. The presence of 1 adult and 1 child permanently at the premises would not result in more persons than that of a typical family of a single parent and 1 child. The impact would not be materially greater than a typical family use.

A manager would also be present 2 days per week 9am – 4pm 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 – 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: **17.07.2025**_____

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

