

Knowsley Council
Regeneration and Economic Development Directorate.
Delegated Planning Report

APPLICATION NO: 25/00105/CLD **CASE OFFICER:** Andrew Hunt

WARD: Halewood South **PARISH:** Halewood
Town Council

LOCATION: 48 Holland Road, Halewood, Knowsley, L26 1UF

PROPOSAL: CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OF
RESIDENTIAL DWELLING AS EITHER A RESIDENTIAL CARE
HOME FOR 2NO CHILDREN OR 2NO ADULTS WITH LEARNING
DISABILITIES

Site Description

The application site is an end terrace dwelling set within an irregular plot. The site has a conservatory to the side. There are dwellings to the north, south and east and west with a garage area immediately to the east.

Proposal

The proposal is for a certificate of lawfulness for proposed use of residential dwelling as either a residential care home for 2no children or 2no adults with learning disabilities.

Consultations

N/A

Representations

N/A

Planning History

22/00519/CLD - 48 Holland Road, Halewood, Knowsley, L26 1UF - CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OF RESIDENTIAL DWELLING AS A CHILDRENS HOME FOR A MAXIMUM OF 2 NO. CHILDREN (Granted 21/09/2022)

Relevant Policy

General Permitted Development Order (2015) (as Amended)

Assessment

PROPOSAL

The application is a lawful development certificate for the proposed use of residential

dwelling as a children's care home or as a home for adults with learning disabilities for a maximum of 2 residents.

A previous application for a children's care home for two children was approved in 2022 at the address. (22/00519/CLD). The children who occupied the property are approaching adulthood and one of them is due to be 18 this year. Therefore, the applicant has applied for a new LDC to allow the child to stay at the property as an adult who is over 18. This would avoid the situation where a child upon reaching 18 would no longer be able to reside at the property.

There is a requirement from Ofsted for confirmation that the residents can continue to occupy the property once they reach the age of 18 and this is the reason for the application.

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.

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))'.

Proposed Use

In relation to the proposed use, there would be a maximum of 2 children / adults at the premises. There would be staff providing care support. The carers would live at the premises overnight and would operate on a rota system with shifts every 48 hours. There would be a maximum of 2 staff at any time with relatively infrequent handovers, only once every 2 days.

As the carers would live at the premises and there would be 2 staff at the premises, the use falls under the C2 use class. A manager would supervise the property along with 3 other properties but would not reside there during a typical week. The manager

would therefore not be at the property on a 9-5 basis during the week.

A key material consideration is that an existing lawful development certificate was granted at the property (22/00519/CLD).

The only change from the previous approval is to allow young adults (with learning disabilities) who have turned 18 to stay at the property. This would avoid a situation where upon turning 18, the children may have to leave the premises.

The change from children (under 18 - to adults (over 18) does not materially affect the previous permission granted or result in a greater impact on the area. It would therefore not constitute a material change of use.

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:

20/03/2025

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